

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

YOUNG ADVOCATES FOR FAIR
EDUCATION,

Plaintiff,

v.

ANDREW CUOMO,
in his official capacity as Governor of the State
of New York,
BETTY ROSA, in her official capacity as
Chancellor of the Board of Regents of the State
of New York,
MARYELLEN ELIA, in her official capacity as
Commissioner of the New York State Education
Department,

Defendants.

Case No. 18 CV 4167

**AMENDED DECLARATION OF NAFTULI MOSTER
IN SUPPORT OF
PLAINTIFF'S MOTION FOR A PRELIMINARY INJUNCTION**

1. My name is Naftuli Moster. I am the Executive Director and founder of Young Advocates for Fair Education ("YAFFED"). I am over 18 years of age, am of sound mind, and am competent to testify. I submit this declaration in support of YAFFED's motion for preliminary injunctive relief in the above-captioned action

2. The facts set forth in this declaration are based upon my personal knowledge, research I have conducted in support of YAFFED's mission, and discussions with members of the ultra-Orthodox Hasidic Jewish community.

A. YAFFED

3. I founded YAFFED in 2012, with the goal of making sure that children in the ultra-Orthodox Jewish community would receive the education that they need and to which they

are entitled. I served as President of YAFFED from 2012 to 2015 and am currently Executive Director. YAFFED is a 501(c)(3) nonprofit advocacy organization committed to improving secular education within ultra-Orthodox schools. YAFFED maintains an office in Manhattan, although, because most yeshivas and most ultra-Orthodox Jews are located in Brooklyn, most of YAFFED's activities are aimed at Brooklyn.

4. In the course of pursuing my higher education, I learned about the requirements of New York Education Law § 3204, which mandates that all non-public schools provide an education “substantially equivalent” to that provided in public schools. The law clarified that a “substantially equivalent” education includes English, mathematics, reading, writing, music, arts, history, geography, science, health education, and physical education—all subjects about which I barely knew a thing. Additionally, regulations issued pursuant to the law even mandated the amount of time that non-public schools must spend on various secular subjects. But none of these requirements were (or currently are) being met. I also learned that contrary to the popular misconception, students in non-public schools are subject to the authority of the superintendents of the districts in which those non-public schools are located—meaning that there were public officials with the power to enforce the law. Yet, despite reporting going back through the 1990's that yeshivas were failing to meet their obligations under the law, the officials were not enforcing those laws.

5. While I had been engaging in advocacy efforts since 2009, making efforts to contact state officials, I was either ignored or given empty promises that the state would look into matters. My hope was that a group of us would have more success than I was having individually. I formed YAFFED in 2012 to continue our efforts to advocate for improving secular education in the Orthodox Jewish community, in particular in the Hasidic community. I,

along with other members of the Hasidic community who were disappointed with the education we had received, banded together to try and remedy the situation and ensure that students in yeshivas receive the education they need and deserve.

6. YAFFED's mission is just that: to ensure that every child receives an adequate secular education. As we say in our mission statement, "[w]e fervently believe that every child is entitled to a fair and equitable education that is in compliance with the law," and "[o]ur mission is to ensure that all students receive the critical tools and skillsets needed for long-term personal growth and self-sufficient futures," which we believe must be tied to an education that includes substantial secular education.¹ We reiterated this mission in the report issued in September 2017, addressing the state of secular education in yeshivas, and which is discussed more below, in which I stated that "YAFFED was founded to address the lack of secular education in many ultra-Orthodox schools."² YAFFED believes that in order to fully prepare children for life as adults, their education must include a real and substantial secular component, rather than merely focus on religious studies. An education which consists purely of Judaic studies is, in YAFFED's view, insufficient to prepare students for life after their yeshiva, and does not lead to positive educational outcomes. The failure of many ultra-Orthodox yeshivas to provide such a secular education, and the resulting poor outcomes for their students, is the crisis which YAFFED was formed to combat.

7. Since 2012, YAFFED has repeatedly reached out to city, state, and even federal officials, seeking to ensure that ultra-Orthodox children can receive an education that will let them be productive members of the larger society, which we believe must include secular

¹ Our mission statement is available on our website at www.yaffed.org.

² *Non-Equivalent: The State of Education in New York City's Hasidic Yeshivas*, Young Advocates for Fair Education (2017), at 4, available at <https://www.yaffed.org/report> (a true and correct copy is attached as Exhibit 1 hereto).

subjects. In response to these efforts, city and state officials have repeatedly promised, both privately to YAFFED and publicly in the press, to take action on YAFFED's urgings. For example, in July 2015 YAFFED sent a letter to the New York City Department of Education ("DOE"), identifying thirty-nine New York City yeshivas that were not meeting state standards. Fifty-two former yeshiva students, parents of current students, and yeshiva teachers signed the letter to join the chorus of those seeking reform, and the letter was widely reported on in the press. At the time, the DOE told the media that it would investigate the yeshivas identified in our letter. Since that time, YAFFED has cooperated with the DOE in the early stages of its investigation (for so long as DOE would allow such cooperation) and repeatedly pressed DOE for information about the investigation.

8. YAFFED also engages in advocacy at the state level. It has reached out to the New York State Education Department ("NYSED") about the department's implementation of guidelines to ensure effective oversight of the yeshivas. Also, in early 2016, as a result of YAFFED's efforts educating the New York State Legislature, two bills were introduced seeking to "give teeth" to the substantial equivalency standard. Hasidic leaders opposed the bills, both of which failed.

9. YAFFED's advocacy has not been limited to seeking an investigation from DOE. In support of its overarching goal to improve secular education for ultra-Orthodox Jewish schoolchildren, YAFFED engages in many awareness-raising and advocacy efforts. YAFFED has purchased advertisements in Brooklyn informing students and parents of their right to an education, and regularly interacts with members of the community, including other graduates of yeshivas who feel disserved by the education they received. YAFFED also holds press

conferences and releases press statements to educate the public through the media. YAFFED maintains a website and is active on social media as part of its efforts to raise awareness.

10. In September 2017, YAFFED issued an extensive report explaining the crisis in ultra-Orthodox education, its history and causes, and the City and State's delay in remedying the issue. YAFFED also collects information about the state of yeshiva education to share with not only the public, but also elected officials. While the City and State have some data for Orthodox Jewish schools specifically, much information is not tracked by the government, requiring work from YAFFED to collect the data. For example, YAFFED recently collected information from yeshiva graduates and parents of current students, including students at Hasidic yeshivas in New York City. No respondent said their school provided instruction in every subject the state requires. At the elementary school level, roughly 25% reported receiving no secular education at all, and at the high school level, the same number—only about a quarter—reported receiving any secular education. Those who did report receiving a secular education said it was typically optional, and discouraged by the school. There can be little doubt that the “education” was of the same quality as mine—sparse in subject matter, taught to disinterested students and effectively treated as “free time.”

11. YAFFED also provides services to the broader community, such as a Yiddish newsletter with content about the importance of secular education that reaches almost 20,000 Hasidic homes, and resources people can use to achieve a secular education for themselves or their children. We have historically provided these same resources, as well as referrals to other organizations, to people who call our offices asking for help. I also give speeches to various groups in the community, such as synagogues, seeking to stress the importance of an education that includes secular subjects.

12. A significant focus of YAFFED is fundraising, to obtain the resources we need to effect our mission. I spend considerable amounts of time organizing community fundraisers, primarily through social media, as well as meeting with individuals who are interested in supporting us. Additionally, as with many non-profits, a significant source of YAFFED's funding comes from institutional donors. Historically, I have devoted a substantial portion of my time towards creating applications and proposals with the hope of being awarded grants that will allow us to pursue our goal.

13. YAFFED's advocacy efforts are opposed by an organization that calls itself Parents for Educational and Religious Liberty ("PEARLS"). PEARLS purports to protect the right of parents to choose that their children receive a yeshiva education including intensive religions instruction. I believe that PEARLS, which was formed in mid 2016, was created to oppose YAFFED and to lobby the state and city governments against government oversight of yeshiva education.

14. While the DOE was still promising YAFFED that it would soon release a report on its investigation into the 39 struggling yeshivas YAFFED had identified, it met separately with PEARLS in July 2016. PEARLS claimed to have a "plan" which would address the concerns that yeshivas were providing an education in violation of state law, involving new textbooks and a new curriculum.

15. The curriculum, as described to me, appeared to maintain the almost complete lack of secular education and did not bring it into line with what the law required. Neither PEARLS nor the city would share the curriculum itself with me; I have since learned from the DOE's letter to NYSED that PEARLS did not even share it with the DOE.

16. Since the implementation of that new curriculum in advance of the 2016-2017 school years, yeshiva students, and parents of current yeshiva students, have reached out to me and YAFFED to confirm that the yeshivas are still not meeting state requirements with respect to secular education. For example, in fall of 2016, I was sent a recording of a robo-call from Bobov Yeshiva calling the parents of eighth-grade students, informing them that they could drop out of secular education.

17. On August 15, 2018, over three years since YAFFED sent the first complaint letter to DOE, the DOE sent a letter to the New York State Education Department (“NYSED”) providing a description of its efforts to date but noting that it had not been able to complete its investigation and seeking guidance from NYSED as to how to proceed in view of the Felder Amendment.

18. Despite its belief that yeshivas are ultimately doing a disservice to their students through the lack of secular education, and claims to the contrary by organizations such as PEARLS, YAFFED respects the primacy of Judaic studies and the unique cultural and religious values of the ultra-Orthodox community. Many people who believe in YAFFED’s mission are practicing Orthodox Jews, who wish the best for the community at large. That desire is what spurs YAFFED’s activities and advocacy—if yeshiva students are not receiving an adequate secular education, they are being deprived of not only a right guaranteed by the state but also the opportunity to make their own way in the world and to make their own choices.

B. My Background and Education

19. I grew up in Borough Park, Brooklyn, as one of 17 children in an ultra-Orthodox, Jewish family. My family is part of the Belz Hasidic sect, and as a child, I attended a Belz yeshiva at 1601 42nd St., Brooklyn, New York 11204, from approximately 1989—2000 (from when I was about 3 to when I was about 14). At the yeshiva, my studies were almost exclusively

limited to religious studies, as with all the other children at my yeshiva. I was educated in Judaic studies, including Mishna, Gemara, Halacha, mussar, and chasidus.

20. I received very little secular education as a child. Instruction was primarily in Yiddish as a result of the students knowing little English, and we learnt very little math, with no history, science, or other subjects that I can recall. In elementary school, secular education was exclusively conducted at the end of a long school day (and only four days a week), for roughly 60-90 minutes. Students were distracted and did not pay attention, and my teachers did nothing to encourage us to focus. Children would consider the studies a waste of time, which the administration did not discourage. If any of the children had to attend any other religious event—a wedding, Bar Mitzvah, observance of Hanukah or fast days, as some examples—then secular education would be cut.

21. After my Bar Mitzvah and as I entered high school, the amount of time spent on secular education decreased to essentially nothing. We started studies around 6:30 a.m. or 7, and would study Judaic texts or engage in prayers, with breaks for breakfast, lunch, and dinner, until we returned home at 8 or 8:30 p.m.. In 2001 or so, I left the yeshiva to study at a Belz yeshiva in Israel, with very little knowledge in the typical subjects taught in public schools. My education at the yeshiva in Israel was essentially identical to that I received in Brooklyn.

22. Despite my experience in yeshiva, I maintained an interest in learning more. I attended Touro College starting in about 2006, before transferring to Kingsborough, and from there to the City University of New York's College of Staten Island, where I obtained a Bachelor of Arts in Psychology in 2013. I attended the Silberman School of Social Work from 2013 to 2015 and received a Masters of Social Work degree.

23. I experienced great difficulty in pursuing higher education after leaving yeshiva in 2005. After graduation, I didn't know basic concepts like "molecule," "writing an essay," or even a "high school diploma." In addition to the challenges this posed to my further education, this lack of schooling was embarrassing.

24. While I was able to obtain further education after leaving the yeshiva, I know that my experience in yeshiva is not unusual. Based on my experience and my work in YAFFED, there are thousands of yeshiva graduates who received similarly inadequate secular education and who were unable to obtain higher education; there are thousands more ultra-Orthodox Jewish children currently attending yeshivas who will soon be in the same position.

25. While I have experienced severe criticism, and indeed have been to some degree ostracized from the ultra-Orthodox Jewish community as a result of my pursuit of higher education and work with YAFFED, I wish only the best for the ultra-Orthodox community, and have dedicated substantial time and resources to helping other Orthodox Jews better themselves and pursue the opportunities to which every person should be entitled. The criticism has primarily argued that I and others who agree with me seek to degrade the Orthodox Jewish way of life, or take away choices from parents. Nothing could be further from the truth. I respect the decisions of the Orthodox Jewish community to maintain their traditions and respect a parent's ability to choose an education for their children. I have never advocated for the removal of religious studies from yeshivas. I merely believe that the children should receive an education which adequately prepares them for their life after schooling, which includes a secular education, as mandated by law. My experience, and the experience of many other former yeshiva attendees, shows that a religious education alone is not enough.

C. The Ultra-Orthodox Jewish Community in New York

26. Part of our work at YAFFED involves compiling information on the ultra-Orthodox Jewish community in New York, and the education that they receive. In September 2017, we issued a report titled “The State of Education in New York City’s Hasidic Yeshivas” which included much of the information YAFFED has collected to date. A true and accurate copy of the report is attached as Ex. 1. I was heavily involved in the drafting and preparation of the report and many of the below figures and statistics are drawn therefrom.

27. As detailed in the Report, there are roughly 240,000 ultra-Orthodox Jews in the eight-county New York metropolitan area. They largely congregate in several neighborhoods in Brooklyn, such as Williamsburg and Borough Park. Roughly 94% of Hasidic residents in the eight-county New York area reside in Brooklyn. The Hasidic community is growing rapidly—by 2030, it is projected that between 8-13% of school-age children in New York City (totaling roughly 106,000 children), and 23-37% (totaling roughly 104,000 school age children) of school-age children in Brooklyn, will be Hasidic. As of June 2018, there were 273 Orthodox yeshivas registered on the New York state directory of non-public school administrators. 211 of them were located in Kings Country, Brooklyn.

28. The ultra-Orthodox Jewish community in New York is largely insular. Its members do not interact with the larger society, who know little about the challenges the community faces. Many of these challenges result from the lack of education they receive.

29. The ultra-Orthodox Jewish community—in contrast to the modern-Orthodox community—believe that cultural contact with the rest of the world is dangerous and will ultimately lead to cultural assimilation and loss of the Orthodox Jewish way of life. As a result of this view, they believe in cultural insulation, remaining in specific communities and enclaves,

limiting contact with those not of the ultra-Orthodox faith, and strictly controlling the education of their children.

30. Ultra-Orthodox parents resist sending their children to public schools. They are generally a minority in their political subdivisions, and as such cannot effectively control the content or delivery of education in public schools. Even if they could, the heavily Jewish educational classes which most ultra-Orthodox parents desire for their children would be largely barred under the Constitution, the children would interact with children outside of their community, and classes would be co-educational, all of which are unacceptable to ultra-Orthodox leaders.

31. As a result, most ultra-Orthodox parents send their children to private schools. Those schools are gender segregated, with boys attending what's often called yeshivas (or at younger ages, Cheder) and girls attending what's often called simply school, and—for boys especially—heavily focus on Talmudic education. While girls receive some secular studies (carefully censored), boys receive very little. My experience is a typical one—some minor education at the end of the day, which the school makes clear is not a priority, from a disinterested teacher, before Bar Mitzvah, after which essentially no secular studies are taught.

32. As noted in the Report, our research found that the average male yeshiva graduate speaks little to no English, rather mainly Yiddish; has few or no marketable skills; goes on to earn a household income substantially below the average in New York; marries young and has many children, and is forced to rely upon public assistance. One of the substantial challenges for yeshiva graduates in finding employment or further education is the fact that most yeshivas choose not to administer the Regents Examination (in part because they do not teach the subject matter tested on the Examination) and do not award diplomas. As a result of the substandard

education, graduates find it very difficult to even pass the General Educational Development high school equivalency test, if they even know of its existence and importance to obtaining a job.

33. These challenges are compounded by a number of other factors. First, as detailed above, ultra-Orthodox parents do not use public schools—which their tax dollars pay for—and instead pay additional amounts for private schools, a significant out-of-pocket expense. Second, a central value of the ultra-Orthodox life, drawn from scripture, is to “be fruitful and multiply.” This leads to very large families, increasing the financial burdens associated with sending all the children to private school (and with raising children more generally).

34. Research we compiled in the report found that roughly 43% of Hasidic households in New York are classified as poor, and another 16% are near poor. *Moster Decl. Ex. 1* at 62. Two heavily Hasidic communities in Brooklyn are Williamsburg and Borough Park—in those communities, roughly 80% and 60%, respectively, of the population receive public health care coverage compared to approximately 40% in Brooklyn as a whole, and roughly 50% and 35% receive SNAP benefits, as compared to about 25% for the total Brooklyn population. *Id.* In Williamsburg, the median income of roughly \$21,000 is less than half of the median income for Brooklyn or the city at large. *Id.* My anecdotal experience matches up with this data—my family was relatively poor, but nonetheless there were 17 children, and I know of many families in the Hasidic community which are similarly struggling to provide for large families.

35. Not only do individual Hasidic families receive disproportionate benefits from the government, but the yeshivas can receive substantial funds as well. They receive federal dollars in the form of Title I funding, meant for assistance to low-income students and schools, and Title

III funding, meant for assistance to those who speak English as a second language (many Hasidic Jews speak Yiddish as their first language). Non-public schools in New York City—of which yeshivas are a substantial part—received over \$100 million in funding from the federal Department of Education in the 2016-2017 school year. Moster Decl. Ex. 1 at 52. The federal government also provides funding for food programs, purchasing Internet and telecommunications technology, and early-education programs. Since 2013, the state has similarly provided almost \$175 million to Jewish schools in New York city for various programs, and funds textbooks (despite teachers reporting a near absence of secular textbooks in the classroom), busing, and child care services.

D. The Felder Amendment

36. As of December 2017, despite the City’s failure to release the report, it appeared that YAFFED’s efforts had made some headway at the State level, as YAFFED learned that the State Department of Education (“NYSED”) was revising the existing guidelines for determining substantial equivalency under the law, specifically to clarify how local school districts should enforce the requirement of substantial equivalence.

37. Not long afterwards, as the state budget was being finalized in late March 2017, I learned that Simcha Felder, a state Senator and ultra-Orthodox Jew who represents a number of neighborhoods in Brooklyn (primarily those which are heavily ultra-Orthodox), was seeking to amend the Education Law and change or weaken the “substantially equivalent” standard set forth in the law.

38. Some of the articles I read describing these efforts are submitted to the Court simultaneously with this declaration as Exhibits 12, 15-17, and 26 to the Bridges Declaration. Based on these reports and others, I understand that Senator Felder withheld his approval for the Governor’s budget, which required his vote to pass, unless there was an amendment to the

relevant section of the law, 3204, which Mr. Felder originally wanted to be a full exemption for ultra-Orthodox yeshivas from the “substantially equivalent” standard. Mr. Felder wanted the amendment attached to the budget so it would not have to go through committee or separate floor debate and so that legislators had to vote for the amendment if they wanted the budget to pass. As a result of this refusal, and after negotiations between Governor Cuomo and leaders in the ultra-Orthodox community, the law was amended so that for a small subset of schools, “substantially equivalent” is now determined by a different standard. In addition to the news articles, I also listened to an interview, delivered in Yiddish and available on a telephone hotline called *Kol Mevasser*, (212) 444-1100, on or about April 2, 2018, by David Zwiebel, the leader of an Orthodox Jewish advocacy group who supported the Felder Amendment. I transcribed and translated that interview, including the portion found in paragraph 88 of YAFFED’s Complaint.

A true and correct translation is reproduced here:

And the main thing is to understand that this is a battle for the Torah institutions across the entire state of New York, in Brooklyn, in Monsey, in Kiryas Joel, in the entire State of New York. Which—I don't know the exact number—tens of thousands of children are educated in these institutions, and yeshivas. And the situation is very serious. We just hope that what Senator Felder has done, according to the instructions of the sages, and together with all the other activists, we hope that—we speak now of “Our Time of Freedom” [the Passover holiday], which is apropos of the world today, and we should remember that the night of Passover was a time that the law was changed of New York. A new law was passed, which for the first time recognizes that the education we receive in yeshiva is a rigorous academic education, which sharpens the mind. And a child that goes through the yeshiva system is a child that has had a good education. We hope, with G-d’s help, that this will at least be part of the salvation that we need.

39. I understand that the Felder Amendment has defined “substantially equivalent” for purposes of certain non-public schools. While the Amendment does not explicitly say that it applies only to yeshivas, based on my knowledge and experience in ultra-Orthodox yeshivas and advocating for improvements in secular education in ultra-Orthodox yeshivas, it is my

understanding that the way the Felder Amendment carves-out non-public schools that will receive special treatment for the purposes of determining “substantial equivalence” applies almost exclusively to ultra-Orthodox yeshivas.

40. I understand the Amendment applies to non-public elementary and middle schools that are non-profit corporations, have a bi-lingual program, and have an education program extending from 9:00 a.m. to no earlier than 4:00 p.m. for grades 1-3, and to no earlier than 5:30 p.m. for grades 4-8. For high schools, the new standard applies to non-public high schools for students who have graduated from one of the elementary or middle schools also addressed in the Amendment, and that are non-profit, have a bi-lingual program, and whose education program extends from 9:00 a.m. to no earlier than 6:00 p.m. As a graduate of a yeshiva and someone familiar with their operations, I can attest that the vast majority (if not all) of ultra-Orthodox yeshivas that are out of compliance with state law meet such qualifications.

41. I also understand that the Felder Amendment’s changes to the “substantially equivalent” requirement appear to be significant. For elementary schools, it states a limited set of subjects that the schools are required to teach, and for high schools, requires the oversight body to determine whether the curriculum as a whole leads to “critical thinking skills” and results in a “sound basic education.” Based on my work advocating for oversight by the government in accordance with the laws and state regulations for non-public school instruction, I understand that the standards recited in the Felder Amendment, while somewhat vague, are lower than the standards that would be applied to other non-public schools.

42. Based on my understanding of the curriculum in ultra-Orthodox yeshivas, I also understand the changes to require consideration of Judaic studies as part of any evaluation of “substantial equivalence” of an ultra-Orthodox yeshiva. In my experience, in most ultra-

Orthodox yeshivas, Judaic studies are often, if not exclusively, taught in Yiddish and Hebrew and not in English.

43. As someone who has lived and who works in and around the ultra-Orthodox community, it is my understanding and experience that the Felder Amendment is seen by others as a concession by the State in favor of and for the benefit of particular ultra-Orthodox religious sects and schools operated by those religious sects in New York. I am not aware of any secular reason to carve out these particular schools for a substantially different, and in all effects lower, educational standard. These facts are exacerbated by the circumstances surrounding its passage—after YAFFED’s efforts to ensure compliance with the law were closer to fruition than they had ever been, a leader of the ultra-Orthodox Jewish community negotiated directly with the Governor to effect this change, in exchange for an Orthodox Jewish legislator who represents the districts most affected by YAFFED’s work agreeing to pass the Governor’s budget. In communications with other members of the community, as well as reading press reports, the Felder Amendment is widely viewed as an endorsement of the ultra-Orthodox branch of Judaism, because it was passed for the sole purpose of excluding ultra-Orthodox yeshivas from state oversight in the education they provide, an accommodation that no other religious sect is provided. I share this view.

E. Effects of the Felder Amendment

1. The Felder Amendment Endangers YAFFED’s Mission

44. As I said earlier, YAFFED’s fundamental mission is to ensure that students in Hasidic yeshivas receive an education that teaches secular subjects in the detail necessary to prepare those children for going out into the world at large. In our view, merely providing a religious education that involves prayer and study of religious texts is not enough to do so, and so the state needs to enforce the requirements that yeshivas teach secular subjects at a similar

level to public schools. Before the Felder Amendment, we could fight to make that happen by seeking enforcement of the existing law and guidelines, and had been making some success, as demonstrated by the information that the State was on the verge of releasing new guidelines.

45. But the Felder Amendment changes all of that. As I understand it, the new law appears to be saying that a high school can give an entirely religious education, and state bureaucrats are going to decide whether it leads to “critical thinking” and a “sound basic education.” The Felder Amendment appears to be a change to the law in complete opposition to YAFFED’s mission—rather than leading to a goal of all children receiving a secular education, the Amendment’s purpose is to codify and approve of the fact that certain students in yeshivas will receive *only* a religious education. The Felder Amendment poses an enormous obstacle to YAFFED’s mission that all children receive a secular education, because before its passage YAFFED only had to advocate for enforcement of the law and existing guidelines, but now, YAFFED must work to change the law before all children can receive the secular education that they need.

46. For example, YAFFED has invested significant efforts and resources towards advocating that New York City DOE properly and fully investigate, report upon, and enforce State law that governs secular instruction in ultra-Orthodox yeshivas. I believe that the work YAFFED has done to date, which had spurred an effort reported in the press to revise guidelines at the state level and prompted an investigation, albeit slow moving, by DOE of schools in New York City, will be mooted by the Felder Amendment. Indeed, the DOE’s August 15 letter makes clear that their investigation was severely curtailed by the Amendment—they expressly ask the NYSED for guidance on how to proceed, due to the uncertainty created by the Felder

Amendment. The Amendment essentially caused all of YAFFED's work to bring about the investigation to be wasted.

47. This paralysis of investigation and enforcement efforts caused by the Felder amendment comes at a crucial time. My understanding is that ultra-Orthodox yeshivas, to the extent they teach any secular studies, will begin their minimal secular studies in October, after the conclusion of the High Holy Days, ending with the last day of Sukkot. If enforcement of the law were halted now, the city and state could at least enforce the prior standard for the 2018-2019 school year. But if the current state of affairs is allowed to continue, DOE's investigation may be delayed through the school year, resulting in another year with no investigations or enforcement actions. Further, to the extent that NYSED ultimately determines that the Felder Amendment prohibits local school districts from investigating, instead vesting that responsibility with NYSED, the investigations and enforcement actions by DOE (and any other local school districts) would be essentially shuttered.

48. Additionally, before the Felder Amendment, NYSED had stated it was about to issue revised guidelines for non-public schools. We had planned to review those guidelines and either push for their enforcement, or if they did not go far enough, advocate that NYSED further strengthen them. Now, however, because the Felder Amendment sets a lower standard for secular education and a different regime for oversight, YAFFED's ability to continue pushing for guidelines at the state level which will ensure an adequate secular education has been crippled. Instead of merely advocating the state to enforce the education law, YAFFED now has had a preceding hurdle placed before it. YAFFED now must focus its efforts towards having the Felder Amendment rescinded, either through advocating the state to pass a new law abandoning the Felder Amendment or through this action, declaring the Felder Amendment unconstitutional.

Only then will YAFFED be able to get back to its founding goal of ensuring that children at ultra-Orthodox yeshivas are provided with a “substantially equivalent” secular education as children at public schools, in the same way all other non-public schools are required.

49. Additionally, the Felder Amendment makes it harder for us to achieve our goal of secular education, because it creates a two-tiered system. Yeshivas, who will overwhelmingly (if not exclusively) be the schools to whom the new standard applies due to their unusual hours and bi-lingual programs, will be able to provide only a religious education, and other non-public schools will still have to provide the education previously required by the law.

2. The Felder Amendment Has Forced YAFFED to Shift Its Focus And Resources

50. The services that YAFFED provides on a regular basis to the community, such as the awareness campaigns, referrals, newsletters, and speeches have also been affected. Indeed, due to the Felder Amendment, I would estimate that roughly 60% of my time has been spent on combating it, time that normally would be spent on other advocacy and fundraising efforts. This means, for example, that I have had less opportunity to help the people who call our offices for referrals, and can give fewer speeches.

51. The costs of the Felder Amendment on YAFFED began even before it had been officially passed. On March 28—after the Felder Amendment was introduced, but before it was passed—I visited Albany in order to try and prevent its passage. I spoke to legislators, allies, and policy makers, trying to explain to them the already poor educational practices in these yeshivas and that Senator Felder was trying to codify these practices into law. I also crafted and sent out several email blasts to legislators to explain the adverse effects of the Amendment, and particularly the economic consequences of the substandard education yeshiva students receive.

This was a substantial investment of not only my time, but also YAFFED's funds, since I had to pay for travel.

52. Immediately after its passage I spent time working on a message for the media, planning a press conference, and strategizing YAFFED's next steps. For days thereafter, I had a constant focus on promoting our message through traditional and social media, held a press conference, and had calls with public officials. After our press conference, which cost several hundred dollars to set up, pro-yeshiva community members launched a massive campaign to defend the Felder Amendment and attack me, which required time from me to defend.

53. In the months since, YAFFED has expended resources making sure that the public knows that a substantial minority of students no longer need to learn the many secular educational subjects that are taught in the public schools at large, and the effects of this change—it will likely lead to worse educational outcomes for yeshiva students, and increased tax dollars spent on their graduates. As part of that mission, YAFFED hired a video production company at a cost of more than \$1,000 to help make an educational video about the Felder Amendment, money that YAFFED could have otherwise spent on other projects.

54. Indeed, since the Felder Amendment, almost all of my time has been spent on educating the public about it and its effects, or trying to change it, whereas before I was able to spend time raising awareness about the lack of secular education more generally, or advocating for enforcement of the law.

55. YAFFED has also expended significant resources in pursuit of the instant lawsuit, with its members working closely with counsel and collecting the information necessary to bring a claim. I also have spent time and money collecting speeches and interviews that ultra-Orthodox leaders have made demonstrating that the Felder Amendment is viewed as an

endorsement of the ultra-Orthodox sects, for purposes of not only this litigation but also to provide them to the media. I spent roughly \$600 to transcribe speeches and have them translated to English. Likewise, we hired a public relations firm shortly after the Amendment passed, in order to aid our fight against it and publicize the rollout. The firm helped organize a press conference publicizing the lawsuit and other measures we are taking against the Amendment, helped get our message out to various media outlets through their contacts, and helped YAFFED in handling press inquiries. They also assisted me in crafting statements for public release regarding the Amendment and this lawsuit. That PR contract cost \$10,000, money we could have used on any number of other activities to further YAFFED's mission, if not for the Felder Amendment.

56. I also had to put on hold my plans to form a Rabbinical advisory council for aiding in our advocacy efforts. A Rabbinical advisory council could help YAFFED in its mission to reach out to the Jewish community as well as to effectively advocate YAFFED's goals with state and local politicians and officials. Forming such a council is time consuming work, however, and since the Felder Amendment, I have had no time to spend on this project.

57. Also, not long after the Felder Amendment passed, and because of—in my opinion—the increased attention on the issue, and the high emotions involved with the Amendment's passage, I received a death threat through a voicemail. The measures I took to protect my safety have also taken away time I could have used to work for YAFFED.

58. Finally, I have had considerably less time to work on fundraising. Success in fundraising is largely a function of time spent, whether speaking with individual potential donors, or putting together requests for funds from institutional donors. Whereas I typically spend time preparing proposals and grant applications, since the Felder Amendment, I have had

to devote all my time to combating it. I have typically submitted an application roughly every week, but since the passage of the Felder Amendment, have submitted almost none. At this pace, I will submit far fewer requests for funding to institutional donors this year than I have since YAFFED began to rely on such funding in earnest roughly three years ago, endangering YAFFED's ability to continue in operation. If I were to devote myself back to preparing these applications, it would mean diverting time away from combating the Felder Amendment and raising awareness about it. Fundraising from individual donors also faces a lack of enthusiasm. In meetings with potential funders since the Felder Amendment, I have been told they are hesitant to donate, because in light of the Amendment they view YAFFED's work as a lost cause.

3. Time Is of the Essence for YAFFED

59. I also believe that YAFFED's efforts to raise awareness in the ultra-Orthodox community of the law's requirements will be less effective going forward, given that in the view of the ultra-Orthodox community, an exclusively religious curriculum meets the Felder Amendment's requirement of "result[ing] in a sound basic education."

60. Since passage of the Felder Amendment, there has been a clear effect on the enthusiasm in the community for YAFFED and its mission. I see it in the comments on social media and my discussions with people about our cause. There is a sense that YAFFED was unable to accomplish anything and that it never will, because of the Felder Amendment. The Felder Amendment has made it more difficult to encourage people that YAFFED will succeed and that they should continue devoting their time, energy, and donations to our mission.

61. YAFFED's efforts will be set back if enforcement of the law is not halted. For example, YAFFED has received reports that NYSED is working on revised guidelines to implement the Felder Amendment. Once they are issued, all of YAFFED's work in pushing for

revised guidelines under the pre-existing, religiously neutral law will have been lost. YAFFED's advocacy will have to start from scratch. Additionally, existing investigations at the local and state level could be delayed, suspended, or abandoned, and potential investigations will not be initiated because of the Felder Amendment and because of the uncertainty regarding who has oversight responsibility. We have already seen this uncertainty in the DOE August 15, 2018 letter to NYSED, in which DOE sought guidance from NYSED as to how to proceed with its slow investigation into the ultra-Orthodox yeshivas in New York City, including in Brooklyn. Without an injunction halting enforcement of the Felder Amendment before the end of this year, it is unlikely that investigations would be started or re-started in earnest during the upcoming school year, delaying investigations until the following fall if not longer.

62. Also, the school year starts in September, and DOE has reported that they will be visiting certain yeshivas in furtherance of their investigation in the beginning of the school year. If DOE drops its investigation because of the change in oversight responsibility in the Felder Amendment, or conducts one pursuant to the Felder Amendment's standards, then YAFFED's work will have been wasted. The DOE may restart the investigation if the Felder Amendment is overturned, but substantial time will have been lost, and the opportunity to investigate during the current school year will be gone forever. With each year that passes, another class of children leave these schools ill-prepared to achieve the best outcomes because they are not receiving the secular education necessary to achieving those best outcomes.

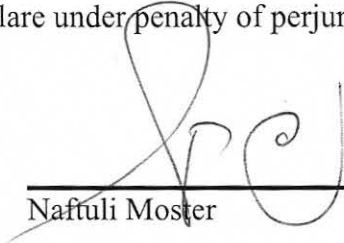
63. If enforcement of the Felder Amendment is not halted before the end of the year, YAFFED will lose an entire year of advocacy under the proper legal framework – Section 3204(2) as it existed before the Felder Amendment. The law is new and has not been clarified

through guidelines—any students who are educated pursuant to it this year may well not receive the education to which they are entitled, and which YAFFED believes every child needs.

64. Furthermore, so long as the Felder Amendment remains on the books, it casts a cloud over YAFFED’s mission and its ability to achieve its stated goal of ensuring a proper secular education for all students at ultra-Orthodox yeshivas. If this law is allowed to remain on the books and ultra-Orthodox yeshivas are allowed to meet the “substantially equivalent” standard through their teaching of religious material, YAFFED will face a loss of interest in the issue and a loss of support. Thus, allowing this law to stand threatens to upset YAFFED’s core mission.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
statements are true and correct.

Dated: September 6, 2018
New York, New York



Naftuli Moster

EXHIBIT 1



NON≠ EQUIVALENT:

THE STATE OF EDUCATION IN
NEW YORK CITY'S HASIDIC YESHIVAS

SEPTEMBER 2017

Yaffed (Young Advocates for Fair Education) is a 501(c)(3) nonprofit advocacy organization committed to improving secular education within ultra-Orthodox schools. We fervently believe that every child is entitled to a fair and equitable education that is in compliance with the law. Our work involves raising awareness about the importance of general studies education, and encouraging elected officials, Department of Education officials and the leadership of the ultra-Orthodox world to act responsibly in preparing their youth for economic sufficiency and for broad access to the resources of the modern world.

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INTRODUCTION

INTRODUCTION

NAFTULI MOSTER, MSW
FOUNDER AND EXECUTIVE DIRECTOR, YAFFED

Yaffed was founded to address the lack of secular education in many ultra-Orthodox schools. Tens of thousands of children attending these schools, also known as yeshivas, are being denied the education to which they are entitled under New York State law.

For more than five years we have worked to educate public officials about this matter. Throughout, city and state education officials have demonstrated ignorance, disregard, and gross incompetence and in all these years have done little or nothing to improve education at these institutions. To name a few instances:

- In 2011, in response to a letter we sent to then-Regents Chancellor Merryl Tisch informing her of the problem, the New York State Education Department (NYSED) wrote to us, falsely, that some non-public schools “largely operate outside the scope of state mandated general education requirements and oversight.”
- In 2012 my colleagues and I began meeting with superintendents to inform them of the problem among yeshivas in their districts. Several of these superintendents incorrectly claimed that non-public education was outside of their jurisdiction until we pointed them to NYSED’s website that states unambiguously that it is indeed the superintendent’s responsibility to ensure that all children in their district, including those attending non-public schools, receive a proper education as required by law. None of the superintendents pursued the matter further.
- In July 2015 Yaffed issued a letter to the NYC Education Department Chancellor and seven district superintendents, signed by 52 yeshiva graduates and parents, alleging that at least 39 yeshivas in New York City were failing to meet New York State’s standards. Yet, when pressed on the matter by a reporter, Mayor de Blasio betrayed his ignorance, saying: “I’m not sure I follow, because obviously it’s a separate school system.”
- In December 2015, more than four months into the New York City Department of Education’s (DOE) purported investigation, Yaffed finally scored a meeting with the DOE at which we learned that not only had they done very little in the way of the investigation, but also that they were still apparently unclear on where the problem was. They did not seem to have a grasp of the differences between Hasidic yeshivas (which typically provide a poor secular education or none at all) and modern Orthodox yeshivas (which are known to provide superior secular education).
- Since April 2016 Yaffed has addressed the Panel for Education Policy (PEP) at least nine times,

bringing speakers and informational material for panel members. Yet some panel members still seem unsure about the laws pertaining to yeshivas and about the various types of Jewish schools.

If government and education officials can remain clueless after so many years, it should come as no surprise that the average New York taxpayer is largely unaware of, or misinformed about, the issue as well. We are often told by said individuals:

- Religious schools are exempt from government regulations because of the separation of church and state.
- Private schools do not receive public funding, and therefore should not be subject to government intervention.
- Orthodox Jews are financially successful, and therefore must have been educated properly.
- This problem affects only a small number of children in an insular community and is therefore of no relevance to me.

In fact, private schools, including religious institutions, *are* required by law to meet specific educational standards; the schools in question *do* receive exorbitant sums of public funding despite their private status; graduates of these institutions *rely disproportionately* on welfare and other forms of government assistance; and, as the population of affected students grows rapidly, *it is* in the public interest to solve the problem. But the lack of public awareness has translated into government not being held accountable, allowing the DOE, NYSED, and other government bodies and agencies to continue to ignore the problem without fear of repercussion.

This report attempts to change that by increasing public awareness about ultra-Orthodox education. It describes the lack of secular education in many ultra-Orthodox and Hasidic yeshivas and the government inaction that has come at the expense of tens of thousands of children. It exposes the array of funding that the government doles out to yeshivas while fully aware that these schools are not meeting standards. Finally, it sheds light on the grave consequences for the citizens of New York City and New York State were this problem to remain unchecked. We hope that the information provided here will enable readers to stand up for these children and for the proper use of their own tax dollars.

After years of broken promises on the part of New York City and State education departments — after phantom investigations and reports, missed deadlines with no explanation, and promised improvements that never occurred — it is time the matter is addressed so that tens of thousands of current and future students at those yeshivas receive the education to which they are entitled. It is our sincere hope that this report will make that happen sooner. We invite the public to join us in demanding change.

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NEW YORK IS FAILING ITS HASIDIC YOUTH.

Most Hasidic children attend non-public parochial schools from age 5 or earlier to adulthood or beyond. The language of instruction is Yiddish, the same language the students speak at home, and sometimes includes some Hebrew and/or Aramaic texts. The schools are separated by gender: girls attend a girls' school, and boys attend a boys' school, or yeshiva.

Both provide a rigorous religious education intended to build the foundation for a life lived according to Hasidic Jewish principles. Where they differ, however, is in the education they provide beyond this foundation. Girls, who are not allowed to become *rabbis* (Jewish scholarly authorities and leaders), learn general subjects such as English, math, science, and social studies during the second half of the school day. Boys, on the other hand, are expected to aspire to become *rabbis*, so they continue studying Jewish texts, such as the *Torah* (the Hebrew Bible), *Talmud* (Jewish law), and other religious subjects for the entire school day.

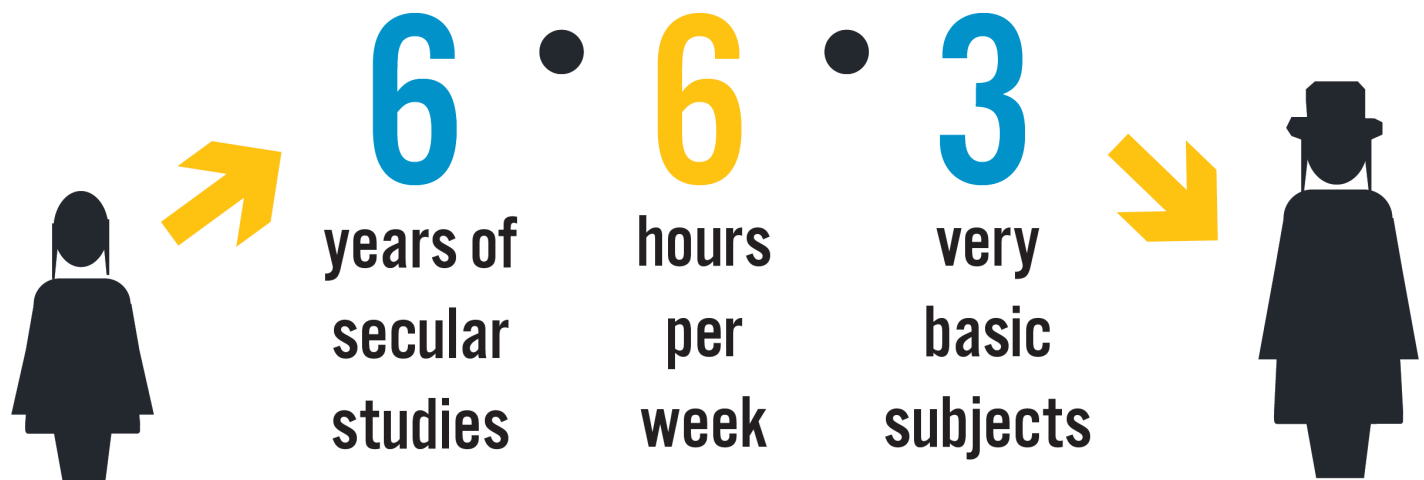


The average Hasidic boy:

- learns only basic English reading, writing, and arithmetic,
- for 90 minutes a day,
- four days a week,
- from age 7 to age 12.

After he turns 13, he spends 12 hours a day in yeshiva but learns only Judaic studies – no English, no math, no science, no history...

When yeshivas do provide education in secular subjects, it is in just a few grades, for one hour to ninety minutes at the end of the long school day. Typically, instruction is provided in very basic English reading and arithmetic, along with minimal levels of English writing. Teachers are often unqualified – some barely know English themselves – and the “English” class period (as the time devoted to secular studies is called) is often treated as free time for restless students. Textbooks are heavily censored, when they are used at all. High schools for boys typically provide absolutely no secular education.



The average young Hasidic man leaves the yeshiva system completely unprepared to work in – or interact with – the world outside his community.

The average yeshiva graduate:

- speaks little or no English,
- has few or no marketable skills,
- earns a household income well below the average New Yorker's,
- marries young and has many children, and
- is forced to rely upon public assistance to support his large family.

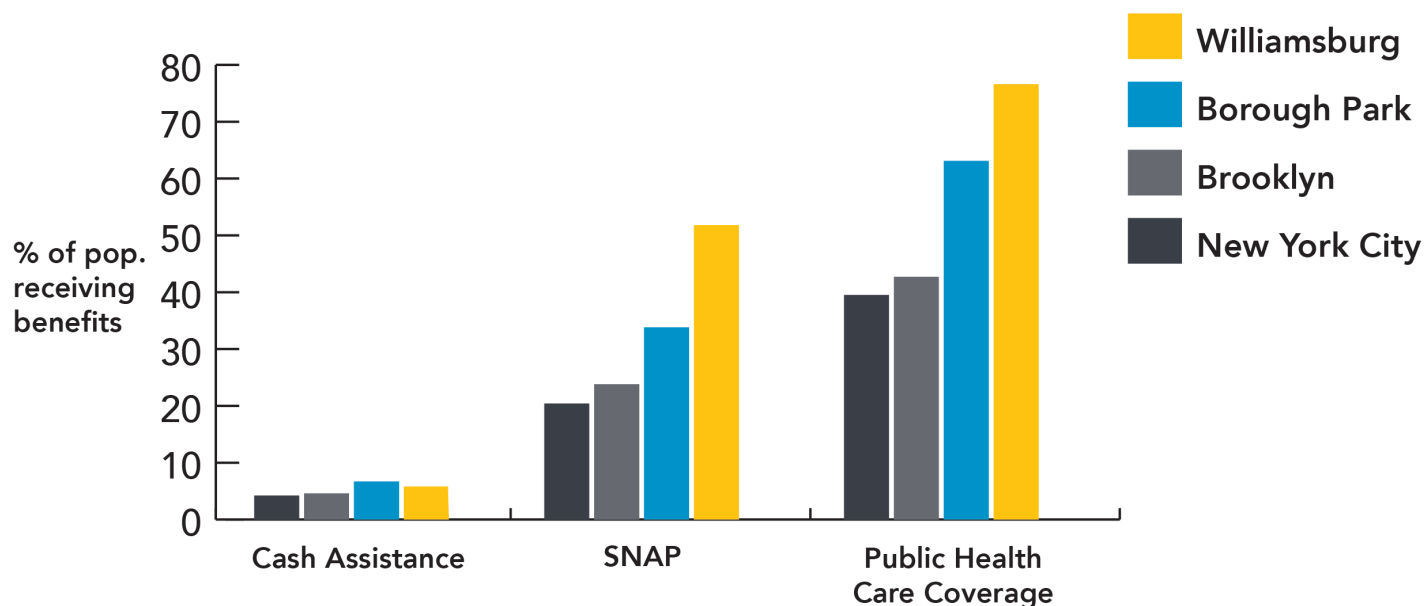
Without secular education, young men lack the requisite skills to obtain employment with a decent income to support themselves and their (often large) families. Furthermore, because most yeshivas choose not to administer the Regents Examinations or to award diplomas, graduates find it nearly impossible to pursue post-secondary education to attain the skills they need.

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This puts Hasidic families at high risk for poverty and reliance upon government assistance. Approximately 43% of Hasidic households in New York are poor and another 16% are near poor. Hasidic communities in Brooklyn have a greater percentage of families receiving cash assistance, food stamps, public health care coverage, and Section 8 housing vouchers, as compared to Brooklyn and New York City as a whole. The percentage of people in a heavily Hasidic district of Brooklyn utilizing public income support such as cash assistance (TANF), Supplemental Security Income (SSI), and Medicaid has increased dramatically in the last decade as the population grew rapidly without improvements in education.

Rates of Public Assistance Utilization in Heavily Hasidic Communities of Brooklyn (compared to overall rates in Brooklyn and NYC)



Data source: 2010-2014 ACS Profile, via NYC Census FactFinder, <http://maps.nyc.gov/census/>.

The Hasidic population in New York City is expected to continue to grow rapidly, with especially high growth among children and young people, so that by 2030 up to one-eighth of the city's schoolchildren, and up to one-third of Brooklyn's, will be Hasidic.



The New York State and City education departments (NYSED and DOE) have abdicated their responsibility to ensure that all students within their jurisdiction receive an adequate education.

State and city education officials have been aware of this responsibility and the lack of enforcement of standards for at least two decades. New York State education laws require that non-public schools provide an education that is “substantially equivalent” to that provided in the public schools. Yet, it is an “open secret” that yeshivas provide subpar education in state-mandated subjects. Hasidic leaders boast openly about the minimal time their schools spend on secular subjects, and have stated that they believe the government is happy to allow this to continue.



Over the last five years...

- **NYSED and the DOE have largely stonewalled Yaffed and yeshiva graduates who have asked them to enforce standards in yeshivas.**
- **The DOE finally agreed to investigate yeshivas after Yaffed and Attorney Norman Siegel issued a widely publicized letter in 2015, signed by 52 yeshiva graduates and parents and naming 39 schools.**
- **The DOE partnered with a group created to oppose Yaffed and developed a “plan” for curriculum reform that did nothing to ensure that yeshivas would meet state standards.**
- **The DOE has promised to release a report on the investigation, which is now more than a year overdue.**
- **The DOE would not commit to releasing a report before the mayoral election.**

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After the DOE announced its investigation, yeshivas and Hasidic leaders formed a group called Parents for Educational and Religious Liberty in Schools (PEARLS) to “protect our sacred education.” The group is represented by a public relations firm and spent approximately \$1 million on its cause within its first year. Its leaders include some of the most powerful ultra-Orthodox representatives in New York, as well as a former fundraiser for Mayor de Blasio.

While largely stonewalling Yaffed, the DOE worked with PEARLS to create a “plan” for improvement of yeshiva education, which the DOE would not share with Yaffed. A year after the “plan” was announced and supposedly was to be implemented in all 39 yeshivas named in Yaffed’s letter, secular education in those schools has not noticeably improved.



Meanwhile, Mayor de Blasio sent a letter to one of the worst offenders, yeshiva Oholei Torah, praising its “excellence” and “well-rounded education” in May 2017.

Oholei Torah is one of the 39 yeshivas named in Yaffed’s letter and is one of the schools that the DOE affirmed would implement a new secular curriculum in the 2016-17 school year. It did not. Oholei Torah provides zero secular education to its students, grades K-12.



Yeshivas benefit from hundreds of millions of taxpayer dollars.

Federal money goes to yeshivas through:

- Title I, II, and III,
- Head Start and child care contracts,
- the E-rate telecommunications program, and
- food programs such as the USDA Fresh Fruit and Vegetable Program (FFVP) and Child and Adult Care Food Program (CACFP).

State and city funding is provided to yeshivas through:

- Academic Intervention Services (AIS),
- Nonpublic School Safety Equipment (NPSE),
- Mandated Services Aid (MSA),
- the Comprehensive Attendance Program (CAP),
- EarlyLearn,
- Universal Pre-K,
- child care vouchers, and
- New York City Council discretionary funds.

These funds are not insignificant. For example, it is estimated that yeshivas receive \$120 million a year from the state-funded, city-run Child Care Block Grant Subsidy Program – nearly a quarter of the allocation to the entire city, and about fifteen percent of the state total.

These taxpayer dollars are on top of the tuition and private contributions that yeshivas receive.

Some yeshivas have also benefited from some questionable financial practices. They have been investigated for misuse of millions of dollars of E-rate and CACFP funds, and one received hundreds of thousands of dollars from an illegal hotel run by one of its board members.



Despite some Hasidic leaders' fears that improving secular instruction in yeshivas would endanger the sanctity of their religious studies, many girls' schools and a handful of yeshivas already provide a decent general education in combination with strong Jewish studies programs. Secular and religious education can coexist in yeshivas, just as they do in many Jewish day schools, Catholic schools, and Muslim schools.

THIS REPORT THEREFORE RECOMMENDS...

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RECOMMENDATIONS (IN BRIEF)

Yaffed believes that all yeshivas in New York City should meet all state laws and guidelines regarding educational standards. In order to do so...

Beginning immediately (2017):

- The New York City Department of Education should establish a task force within the next six months to improve education in yeshivas.
- The DOE and NYSED should encourage and assist yeshivas in meeting all state requirements.
- Yeshivas should begin to annually increase the amount of time spent on secular studies per day by at least 30-45 minutes.

By August 2018:

- The DOE task force should establish time-specific benchmarks for yeshivas to meet as they move toward compliance with state guidelines.

By August 2019:

- The DOE and NYSED should discontinue all funding to schools that are not meeting benchmarks.

By September 2020:

- Yeshivas should spend a minimum of 3 hours on secular studies in elementary schools and 2.5 hours in high schools.
- Yeshivas should teach all state-mandated subjects for each grade level.
- Yeshivas should administer Regents exams and provide diplomas to all high school graduates.

The DOE and NYSED should monitor compliance on a regular and on-going basis. Both agencies should improve transparency to the public regarding funding provided to non-public schools, response to complaints, and monitoring of compliance.

See pp.64-66 for more detailed recommendations.

For the sake of New York City's children and families, for taxpayers throughout the city, state, and the nation, and in the interest of international law and the fundamental human right to education, New York cannot ignore this issue any longer.

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BACKGROUND

WHO ARE THE HAREDIM?

SAMUEL HEILMAN, PHD**PROFESSOR OF SOCIOLOGY, QUEENS COLLEGE, CUNY**

A key concern among Orthodox Jews, the most strictly traditional denomination of Judaism, is maintaining the continuity of their religious culture. The intensity of these efforts, however, varies by sub-sect. “Modern-Orthodox” Jews generally believe that it is possible to be exposed to and even interact with and share in that general culture without necessarily succumbing to its assimilating tendencies – if one is vigilant and powerfully rooted in Jewish practice, connections to an Orthodox community, and has received a good Orthodox Jewish education. However, those on the Orthodox religious right commonly do not share that optimistic attitude, especially those that belong to the Hasidic communities described below. Sometimes called “haredi” [anxious] Orthodox, or sometimes “ultra” Orthodox, many of them believe that cultural contact is dangerous and will ultimately lead to a slippery slope toward cultural assimilation and hence the demise of the Orthodox Jewish way of life. To avoid this, they have generally espoused a social stance of cultural insulation, living in their own communities and enclaves, strictly controlling the education of their young, and limiting anything beyond instrumental contact with those who do not share their ways of life and values. Wherever possible, they try to remain within their own institutions.

Although the word “haredim” has gone through a number of changing denotative meanings, today most reserve its use for those Jews who claim they have refused to make changes in the way they practice traditions from generations past. Haredim, divided generally into Hasidim and those associated with a Lithuanian-rooted Yeshiva culture, are overwhelmingly endogamous. In almost every respect they demonstrate a fidelity to maintaining customs tied with their diaspora and non-American roots. Among Hasidim this includes taking their identity from the name of some Eastern European locale and the charismatic leaders who hail from there. While Hasidim tend to be more pietistic and the Yeshiva world Jews stress Jewish scholarship, the distinctions between these two groups has been blurring over time. What they have in common far outweighs their subtle differences – although admittedly within the haredi world the “narcissism of small differences” often leads to feuds and efforts to distinguish between Hasidim and non-Hasidim, as well as among various subgroups of Hasidim.

Beyond their differences, haredi Jews share a common heritage. This is especially the case within the various Hasidic groups who connect themselves to their specific customs and folkways, while creating a kind of quasi kin-group with all those who hold a common allegiance to a particular rebbe,

or charismatic leader. Among those haredim who are not Hasidim, many experience a similarly strong connection to a particular yeshiva, interpretive tradition, or Talmudic scholar. Thus a haredi is either a particular kind of Hasid or a member of a particular yeshiva community, and in both cases a follower of a specific rabbi's interpretation of Jewish law.

Despite their differences, haredim share a psycho-social worldview, a common perception of a world that opposes them and seeks to undermine their attachments to one another and to the tradition. As one man said to me: "In today's world, Yidn [Jews] are alone and Yiddishkeit [Judaism] is under attack." They see themselves "as a [lonely] force endlessly combating obstacles."¹ While a few haredim – most prominently Lubavitcher/Chabad hasidim – have tried to engage and reach out to this world in order to try to bring it in line with their image of what is authentic Judaism, most haredim are content to try to struggle against it by demanding it provide protections for their way of life or at the very least leave them alone. They are convinced their way of defining Judaism is authoritative.

Such an aggressive assertion of the superiority of the past, when everyone else is in search for tomorrow, becomes a way to express distance from contemporary culture and ways of life. One might say that in the Jewish world, haredim represent the most visibly and assertively unmeltable social group.

To achieve this distinctive cultural identity, haredi Orthodox Jews choose to live where they can create an insulated enclave governed by their own culture and values. So powerful is this insularity that the community purposely tries to limit (not always successfully) exposure to mass media, television and most recently the Internet, which they see as a two-way window for cultural contact with the outside world, often to the detriment of their enclave culture.

In line with these views, haredi parents avoid public schools, where they cannot control their children's social and cultural interactions. In public schools, curricula are determined by state educational authorities, and hiring policies are governed by state and federal laws. Even where the haredi Orthodox are a local majority, they know they are outnumbered and subject to control when it comes to the content and character of public education. In public schools their children might receive an education for free (or as a consequence of the taxes they are paying anyway), but once there, because of the separation of religion and state, most Jewish educational classes cannot be taught. They also would likely interact with children enrolled who are not part of their Orthodox community and would be exposed to teachers who were not necessarily cultural insiders and whose values and views might be at odds with those of haredi Orthodoxy. Classes would be coeducational – unacceptable to haredi Orthodox norms – as a matter of law.

The outside influences would inevitably expose haredi Orthodox children – the most vulnerable and suggestive sector of their society – to ideas and ways of living that reflect cultural elements of America

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that they believed could undermine haredi Orthodoxy. In such schools, they might learn about the advantages of individual independence, about the right to challenge rabbinic authority, about cultural relativism, about sex education, about gay rights, about the values of cultural integration, about evolution, about the importance of a university education, about scientific findings that challenge Scriptural and religious 'truths,' about popular culture, and so on – all matters that the haredi Orthodox consider anathema. Accordingly, even in areas where Hasidic Jews gain positions on local school boards, they choose to abstain from free public education, for which their taxes are used, in favor of private Jewish schools. Private schools allow them to retain greater control over curricula and social exposure, so as to sustain their culture and in their own minds guarantee their future survival. These schools are strictly gender segregated, reflecting the gender separation that is normative in strict haredi Orthodox culture. The boys' schools tend to emphasize Talmudic education with little in the way of secular studies, while the girls are generally taught a simplified and shorter version of religious studies, along with a carefully censored secular studies program.

While all Orthodox Jews have focused on the private religious education of their children as a key element of continuity, Hasidic Orthodox (and some non-hasidic but haredi) Jews have been far more extreme in this behavior. They have, for example, downplayed the importance of creating a curriculum that might lead to college attendance, where new ideas and unbridled inquiry, to say nothing of contact with outsiders, might occur (something about which the modern Orthodox who value a university degree disagree). Particularly in boys' schools, where they advocate Talmud education as the main focus, they have emphasized Jewish learning over general education, often pursuing it at its most minimal level, relegating it to fewer class hours, and the end of the day. They hire only communal members as teachers, in an attempt to limit the exposure of their young to people who come from outside their cultural communities, believing that when individuals from one society are accepted within the social context of another society they inevitably bring with them their foreign artifacts, ideas, and values. In this way, Haredim maintain separation in a democratic society where all is accessible by both demonizing the outside culture and making sure their members lack the skills to succeed in that outside world.

In these private parochial schools, haredi Jews almost completely control the educational process. Yet private Orthodox education is an expensive proposition. Moreover, because one of the central values of haredi Orthodox life is to "be fruitful and multiply," a Scriptural mandate, the educational economic burden is onerous for parents of large families. Yet the fact that they give their children a private education in spite of this burden demonstrates how important it is to them.

There is an important communal factor that also helps explain why haredi Jews follow this norm, almost without exception. The haredi Orthodox world is highly conservative, demands a high level of conformity to group norms, and does not tolerate a high degree of individuation or deviance. Indeed,

those who fail to maintain norms (which are often asserted to be based on religion and enforced by rabbinic authorities and social habits) whether in their behavior, appearance, values or the like are often stigmatized and may even be banned. The consequences of stigmatization include difficulties in participating in the system of arranged marriages, marginalization in society, and even sometimes public social excommunication or shunning as well as financial sanctions.

Haredim have been traumatized by the events of the twentieth century perhaps more than any other group of Jews. Centuries of antisemitism, secularization and assimilation in the nineteenth century, and finally the horrors of the Holocaust, have left those who remain most visibly traditional to view themselves as beleaguered survivors, or alternately, as the only ones to remain true to the past.

Modern haredi culture has created a feeling of “an intimate connection” with the past, one that increasingly provides continuity in an era marked by unremitting change.² Their separatism is the product of a cultural, linguistic, religious, and, political autonomy that counterbalances the sense of precariousness that the events of history had fostered.³ This is just the sort of identity suited to people who see themselves as survivors. With only a fraction of their leadership surviving the war, post-Holocaust, new world haredim have a special sense of mission. They feel that they should and could resurrect the world they seek to remember. This sense of mission is intensified by feelings of having to live up to the idealized memories of their forebears. It also means that the behavioral rules and values of secular society are necessarily considered of a lower order and sometimes even with contempt. For haredim, Torah and Torah leaders are the true arbiters of how to live a meaningful life. The struggle is to balance their beliefs with the very real pressures of living in a society regulated by values very different than their own.

*Thanks to Matty Lichtenstein, MA, PhD candidate in Sociology, University of California, Berkeley, for editing assistance.

LAWS AND GUIDELINES

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Dating at least from 1925 (*Pierce v. Society of Sisters* 268 US 510), parents have a recognized right to educate children outside of the public school system. However, the same Supreme Court case that acknowledged that right also reinforced the state's role in regulating the quality of education even in nonpublic schools. "No question is raised concerning the power of the state reasonably to regulate all schools, to inspect, supervise and examine them... that certain studies plainly essential to good citizenship must be taught..." Thus, states retain the right to ensure that all children have "a sound basic education," as expressed in the New York State Constitution, and reiterated in cases such as *Campaign for Fiscal Equity v. State of New York* (86 NY2d 307, 316 [1995]). While children may attend religious or other private schools, states retain the right to regulate areas such as safety, length of time spent in class, and what subjects must be taught. As early as 1950, a New York City court declared that sending one's child to a school that offered no secular instruction was equivalent to allowing one's child to be truant. "Compulsory education laws constitute but one of many statutes of a government, dedicated to the democratic ideal, which are universally enacted for the benefit of all of the children within the realm of government" (*State of New York v. Donner*, 199 Misc. 643 [1950]).

It is axiomatic that a sound basic education prepares children to speak, read, and write in the English language, and to understand enough history, mathematics, science, geography, and so forth, to act as intelligent citizens and to have a reasonable choice of occupation. Parents have a right, under the federal constitution, to add to the basic curriculum (*Meyer v. Nebraska*, 262 U.S. 390 [1923]) but not seriously to detract from it. Although New York State (NYS) laws permit children to leave school at age sixteen, it is nonetheless part of a sound basic education to offer children schooling that will permit them to graduate from high school or to pass the GED, and to go on to college if they desire. "If a child attends a nonpublic school or is being educated at home, the board of education of the school district in which the child resides must be assured that the child is receiving instruction which is substantially equivalent to that provided in the public schools. Thus, the board's responsibility is to the children living in the district; it has no direct authority over a nonpublic school."⁴

More specifically, NYS law requires that students attending nonpublic schools, including home schooling, attend for at least as many days and hours as their public school counterparts. For purposes of state aid, days on which elementary students receive less than 5 hours of instruction, excluding lunch/recess, and/or secondary students receive less than 5.5 hours of instruction, excluding lunch, may not be included in the 180 days that is the state's required minimum.⁵

The curriculum as well must be “substantially equivalent” to that of the local public school, and include, in the first eight years, “arithmetic, reading, spelling, writing, the English language, geography, United States history, civics, hygiene, physical training, the history of New York state, and science” (NY Education Law Sec.3204). In secondary school, subjects must include “the English language and its use, civics, hygiene, physical training, [and] American history including the Declaration of Independence and the Constitution of the United States” (NY Education Law Sec.3204). In grades seven and eight, NYS law is even more specific; instruction in English, for example, must include at least 360 minutes a week.⁶

As we see on pp.31-40 of this report, the yeshivas that are the object of Yaffed’s concern fail to meet any of these criteria. Boys receive, at best, some instruction in reading, writing, and arithmetic, but virtually none in the other subjects. Moreover, the entire secular curriculum (which is also to say, the entire classroom time in which the language of instruction is English) occupies at most 360 minutes a week. In many yeshivas, there is no secular instruction at all. As documented on p.40, boys typically leave these schools unable to read or write English, and unable to pass the GED.

Some may argue that sending their children to these religiously based schools, where the study of religious texts allows little or no time for secular learning, is a constitutionally protected parental choice. There is no question but that parents are choosing these schools for sincere religious reasons, and therefore one could argue that the choice is protected under the free exercise clause of the First Amendment. However, this is not a sustainable argument.

The right to freely exercise one’s religion is a pillar of American belief and enjoys considerable constitutional protection, but that right is not absolute, especially where children are involved. One may not, for example, refuse life-saving blood transfusions on behalf of one’s children. In NYS, one may not marry one’s children off until they are at least seventeen. The Supreme Court decision which governs the question of how much education parents are required to provide for their children, is the 1972 case, *Wisconsin v. Yoder* (406 U.S. 205). In *Yoder* the Court upheld the right of Amish parents not to school their children beyond eighth grade, where the legal requirement in Wisconsin was that children either graduate from high school or reach the age of sixteen.

Yoder was decided by seven Justices; Powell and Rehnquist recused. Although the decision was unanimous, the reasoning was quite varied. Chief Justice Burger wrote the opinion for the Court; there was a partial dissent by Douglas and concurrences by Stewart and White.*

The Court accepted Wisconsin’s “propositions” that education was required in order to prepare citizens to “participate effectively and intelligently in our open political system,” and to prepare them to be “self-reliant and self-sufficient,” but it nonetheless sided with the Amish, for two basic reasons.

*A concurrence is an opinion which agrees with the conclusion of the majority, but gives different or additional reasons. A partial dissent is one which agrees with only part of the majority opinion, and disagrees with another part.

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First, the Court noted that the Amish are “productive... members of society; they reject public welfare...” Wisconsin could not convincingly argue that Amish children would grow up to be dependent on the state. In contrast, Hasidic groups are greatly dependent on public welfare. The Satmar town of Kiryas Joel is the poorest town in America, with about half the families receiving food stamps and a third eligible for Medicaid and housing subsidies.⁷ Similar trends are seen in New York City, as documented on pp.62-63.

Second, the Court believed that the “additional one or two years” of education between completion of eighth grade and leaving school at sixteen, were too slight to stand up against the Amish interest in the free exercise of their religion. White, in a concurrence joined by Brennan and Stewart, wrote that “This would be a very different case... if respondents’ claim were that their religion forbade their children from attending any school at any time and from complying in any way with the educational standards set by the State. Since the Amish children are permitted to acquire the basic tools of literacy to survive in modern society by attending grades one through eight, and since the deviation from the State’s compulsory education law is relatively slight, I conclude that respondents’ claim must prevail...”

In the case of the Satmar, Skver, and similar Hasidic groups, however, there is a large gap between actual learning and an adequate education. The Amish had full days of secular education from first through eighth grade. In contrast, most Hasidic boys receive only 90 minutes of secular education a day, from third through eighth grade, and some receive none at all.

White, echoing the concerns of Douglas in the latter’s partial dissent, defended the state’s obligation to support the potential of Amish children to reject their upbringing and to decide to become “nuclear physicists, ballet dancers, computer programmers, or historians,” or, in Douglas’s language, “pianists, astronauts, or oceanographers.” Thus, all of the Justices relied on the small gap between what the state required and what the Amish children received. At least four of the seven Justices believed that the proper role of the state is to “nurture and develop the human potential of its children... to expand their knowledge, broaden their sensibilities, kindle their imagination, foster a spirit of free inquiry, and increase their human understanding and tolerance... A State has a legitimate interest not only in seeking to develop the latent talents of its children, but also in seeking to prepare them for the lifestyle that they may later choose, or at least to provide them with an option other than the life they have led in the past.” It is hard to argue that Hasidic schools are set up to foster a spirit of free inquiry, nor to prepare boys for anything other than life within their community. (See pp.31-40.)

Thus, the facts in *Yoder*, taken with the Justices’ reasoning, show that the Satmar would be very unlikely to prevail should their case come before the Court today.

HISTORY

The lack of secular education in Hasidic yeshivas has been public knowledge for decades. In the 1990s, the *New York Times* published multiple articles that touched on the issue, including a 1994 article on yeshiva Oholei Torah that pointed out that the school “spurns all secular studies for its 340 young men, ages 13 to 20,” and “boys are expected to learn any science, mathematics or history on their own.”⁸

In 1999, the New York State Board of Regents held an unprecedented two-day meeting with non-public schools, including yeshivas, paying special attention to the need for a mechanism to measure the schools’ academic performance. Education Commissioner Richard P. Mills noted his responsibility to ensure that private school students receive a high-quality education, and Regents Chancellor Carl Hayden said of non-public schools that there was “a good deal of surmise about their quality, because nobody knows for sure.”⁹

Hasidic communities’ refusal to teach secular subjects in yeshivas has been called an “open secret,”¹⁰ or hardly a secret at all,¹¹ and to this day few deny it. Rabbi Dovid Zwiebel, Executive Vice President of Orthodox organization Agudath Israel, stated in his keynote address to the organization’s 2016 annual conference:

“We know that, baruch hashem [thank God], in our yeshivas, we have a dual program of instruction, with many hours of the day, most of the hours of the day, devoted to limudei kodesh [sacred studies], and only a relatively small amount of time to limudei chol [general studies]...”¹²

Leaders of the communities speak of secular learning as unnecessary and of little value. While, to the government, yeshiva leaders have supposedly declared their commitment to alter their curricula to include more secular education,¹³ in Yiddish-language media their tune changes. A few months after a DOE spokesperson announced such a supposed commitment, Rabbi David Niederman, head of the United Jewish Organizations of Williamsburg and North Brooklyn (UJO) and a leader of the yeshiva organization Parents for Educational and Religious Liberty in Schools (PEARLS), told the Orthodox newspaper *Der Yid* that the Hasidim “must be strong together and not allow our education to be altered... The message must be clear; we won’t compromise.”¹⁴

The issue was raised directly to state officials in 2008 when a yeshiva graduate, who shared his correspondence with Yaffed on condition of anonymity, began contacting the New York State Education

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Department (NYSED) to inform them that his school, Oholei Torah, was not providing any secular education. The graduate asked NYSED to act so that future students would be able to receive the education he was denied. He was told that NYSED officials were aware of the issue but were unable to do anything about it. In 2014, he contacted NYSED again, along with the New York City Mayor's Office, the City Council, and the federal Education Department. This time, NYSED responded that it was looking into his complaint. Each other agency responded that they had no jurisdiction over the matter. This was the last he heard from NYSED, and Oholei Torah continues to this day to provide zero secular education to its students.

Naftuli Moster, a graduate of Yeshiva Machzikei Hadas Belz, first contacted NYSED in 2009 to alert the agency about the yeshivas' failure to provide secular education to their students. Over the next few years, Moster contacted multiple state education officials, seeking action to remedy the problem. One NYSED official, Mary F. Sansaricq, confirmed to Moster that the New York City Department of Education (DOE) is responsible to ensure that the city's non-public school students receive an education; another, Deborah Cunningham, told Moster that non-public schools "largely operate outside the scope of state mandated general education requirements and oversight." NYSED took no action to address the issue of insufficient education for students in yeshivas.

In 2012 Moster, along with other graduates of ultra-Orthodox yeshivas in New York City, founded Young Advocates For Fair Education (Yaffed) with the goal of improving secular education in Hasidic and other ultra-Orthodox schools. The organization reached out repeatedly to NYSED and the DOE. Over the course of the year, Yaffed met with two NYSED officials and two New York City superintendents whose districts included yeshivas that were not meeting standards. Each official promised to follow up with Yaffed, but none followed through on that promise. One of the NYSED officials, then-Deputy Commissioner for P-12 School Operations Charles Szuberla (now Monitor for the East Ramapo Central School District), wrote in June 2012 that he was continuing to look into the matter and that he would "ask for [Yaffed's] assistance at the appropriate time." This was the last time Szuberla responded to Yaffed.

For the next two years, Yaffed continued to advocate for yeshiva students' right to education, but state and city agencies were unresponsive. Moster wrote to several state officials throughout 2012 and 2013, with no result. Yaffed also posted billboards in Brooklyn to raise awareness within the Hasidic community.¹⁵ Meanwhile, another yeshiva graduate, Chaim Levin, published two articles in the Huffington Post Blog about the harm caused by yeshivas' lack of formal education.¹⁶ DNAinfo published a series on the issue in January 2013,¹⁷ and WNYC also reported on it, noting that the U.S. Department of Education "has repeatedly complained about the lax oversight" of yeshivas by the New York City Department of Education.¹⁸

In 2014, Yaffed joined with Attorney Norman Siegel, former director of the New York Civil Liberties Union (NYCLU), and issued a letter to New York City Mayor Bill de Blasio, DOE Chancellor Carmen Fariña, New York State Governor Andrew Cuomo, and Attorney General Eric Schneiderman, demanding that they begin enforcing state standards in yeshivas. For the first time in Siegel's extensive career, there was no reply.¹⁹

On July 27, 2015, Yaffed and Siegel issued a second letter to the DOE. This letter was signed by 52 former yeshiva students, parents of current students, and yeshiva teachers, and identified 39 New York City yeshivas that are not meeting state standards. This letter gained significant exposure in the press. Finally, after years of advocacy by Yaffed and decades since the issue became public knowledge, the New York City Department of Education promised to investigate the yeshivas.

Although the DOE told the media that it would investigate Yaffed's complaint, the agency did not respond to any of Yaffed's calls or emails for the following four months. In December 2015, Yaffed was able to secure a meeting with DOE officials, in which the DOE promised to interview complainants and the DOE's general counsel stated that a report on the investigation would be released in Spring 2016.

In January 2016, Yaffed met with DOE officials again and provided them with additional documentation of the lack of secular education in yeshivas. After hearing nothing further from the DOE for three months, with the DOE's self-imposed deadline approaching, Yaffed held a press conference on the steps of City Hall and attended a meeting of the Panel for Educational Policy (PEP) to ask for accountability. The following day, representatives from the Mayor's office reached out to set up a meeting. At the meeting, which included Yaffed representatives, City Hall representatives and a DOE attorney, they acknowledged that the investigation had stalled but asserted that they were committed to restarting it with greater cooperation with Yaffed. Yaffed arranged for the DOE to interview several complainants. Chancellor Fariña promised at a City Council Education Committee hearing in May 2016 that a report would be released "in a month or so."

Yaffed representatives addressed at least seven more Panel for Educational Policy meetings between May 2016 and July 2017. Representatives also spoke to NYSED Commissioner MaryEllen Elia in person at least three times during this period.

By July of 2016, the report was overdue and nowhere to be found. Instead, the DOE told Yaffed that it had created a plan in partnership with a newly formed organization called Parents for Educational and Religious Liberty in Schools (PEARLS). The plan had been developed without any consultation with Yaffed and did nothing to ensure that yeshivas would meet state standards. (See the box on p.22 for more information on PEARLS.)

NON-EQUIVALENT

BACKGROUND**PEARLS: PARENTS FOR EDUCATIONAL AND RELIGIOUS LIBERTY IN SCHOOLS**

In 2016, in response to Yaffed's efforts and mounting pressure to reform yeshiva education, a group of yeshivas and parents founded an organization called Parents for Educational and Religious Liberty in Schools (PEARLS). According to a PEARLS news release, the organization was formed "to protect the right of parents to choose a religious education for their children" and "to improve the yeshiva curriculum while protecting the fundamental bedrock principle of religious learning."ⁱ

PEARLS represents the 39 yeshivas named in Yaffed's 2015 letter, and is headed by rabbis and other members of several Hasidic sects. One leader, Rabbi Isaac Sofer, is the head of government relations for the Central United Talmudical Academy and a former fundraiser for Mayor de Blasio.ⁱⁱ PEARLS is represented by Global Strategy Group,ⁱⁱⁱ a public relations firm known as "a ubiquitous presence in New York's circles of power."^{iv} PEARLS has also retained attorney Avi Schick and "hired a team of experts to formulate lessons in math and English that they are convinced will meet state standards."^v Within its first year the organization reportedly spent close to \$1 million on the battle to "protect our sacred education" from the "threat" of government intervention.^{vi}

In 2016, the DOE revealed that it had partnered with PEARLS to develop its own plan for reforming secular education in yeshivas. The "plan" consisted of new textbooks, a learning partners program, and an "updated curriculum." The DOE would not share the new curriculum with Yaffed, but as described it appeared to be almost identical to the old curriculum, still lacking any secular subjects other than English and math at the elementary level, and still devoid of any secular education at the high school level. A DOE representative assured Yaffed in July 2016 that "all 39 [yeshivas named in Yaffed's letter] are going to implement the new curriculum in September." Still, at least some of the yeshivas have not.

That August, when interviewed by the *Forward* magazine, DOE spokeswoman Devora Kaye stated that representatives of Hasidic yeshivas had "committed to begin altering their curricula to include better and more secular education as early as next year." However, neither Kaye nor a representative of the schools would say *how* the schools would improve their secular education, nor would they provide a detailed timeline for the changes.²⁰

Unfortunately, such inaction meant that yeshiva students were still denied their right to an education during the 2016-2017 school year. Parents of current students surveyed by Yaffed in July 2017 still reported secular instruction remaining far below state standards, showing little or no change from previous years. When the DOE conducted inspections, it worked with the yeshivas in advance to schedule a time for a formal visit, giving the schools plenty of time to prepare to appear to meet standards on inspection day. Yaffed asked the DOE from the beginning of the investigation to conduct unannounced visits, warning the agency of statements from numerous parents and former students that their yeshivas made significant changes on inspection days in order to conceal what was truly going on during the rest of the school year.

At a March 2017 City Council Education Committee hearing, Chancellor Fariña refused to provide an updated timeline for the investigation. Interviewed by the *New York Daily News*, the Chancellor would not commit to issuing a public report before November.²¹

Determined to ensure the rights of these students before another class passes through the system, Yaffed took upon itself the task of reporting on yeshiva education. Perhaps in response to Yaffed's pressure, in May 2017 the DOE promised to release an "interim report" in summer 2017, which it told Yaffed would mean July or August. In July, the DOE told the *New York Daily News* that its interim report would, in fact, be issued by September 22. Confronted about the investigation at a Harlem Town Hall meeting on August 2, Mayor de Blasio declared, "we are not finished in that process... we'll have a lot more to say about that later in the year."²² On August 25, at a CityLaw Breakfast with Chancellor Fariña, the Chancellor refused to answer a question about when the investigation would be completed, responding with "No comment."²³

The 2017-18 school year begins September 7.

In July 2016, the DOE declared that it had already:

- *Sent questionnaires and collected documentation from yeshivas*
- *Met with yeshiva leaders*
- *Visited yeshivas*
- *Met with yeshiva graduates*

So why has it taken the DOE more than a year since then to produce a report?

TIMELINE OF RELEVANT EVENTS

- Mar. 6, 1994** ○ The *New York Times* reports on a yeshiva, Oholei Torah in Crown Heights, Brooklyn, that "spurns all secular studies for its 340 young men, ages 13 to 20."
- Apr. 21, 1997** ○ The *New York Times* reports that, for the Hasidim, "The focus on religious studies results in children ending secular education at age 13, curtailing job skills."
- Jan. 14, 1999** ○ The New York State Board of Regents spends an unprecedented two days of its monthly meeting on the state's non-public schools; Regents chancellor Carl Hayden says that the state needed a mechanism to measure their performance.
- 2008** ○ A Brooklyn yeshiva graduate contacts the NY State Education Department (NYSED) to ask for action to change his school's lack of secular education. According to the graduate, NYSED responds that it is aware of the situation but unable to do anything, citing local politicians' unwillingness to act for fear of losing the community's bloc vote.
- 2009** ○ Naftuli Moster begins contacting New York State Education Department (NYSED) officials to make them aware of the many yeshivas in New York failing to provide students with a basic education.
- 2010 – 2011** ○ Naftuli Moster attempts again to reach out to NYSED and the New York City Department of Education (DOE), outlining the problem and requesting that they act to improve the situation.
- 2012** ○ Moster and others meet with NYSED and DOE officials. Several officials promise to follow up, but they do not.
- Aug. 10, 2012** ● **Young Advocates for Fair Education (Yaffed) is founded.**
- 2013** ○ Yaffed attempts to contact NYSED and the DOE to follow up on its concerns about secular education in yeshivas, but neither agency responds. No action is taken by either agency to improve yeshiva education.
- May – Jul. 2014** ○ The yeshiva graduate who contacted NYSED in 2008 again contacts NYSED, as well as NYC's mayor, the City Council, and the U.S. Secretary of Education. NYSED says it is "looking into" the complaint.
- Dec. 2014** ○ Yaffed and Attorney Normal Siegel issue a letter to the NYC mayor, NY governor, the attorney general, and the NYC DOE Chancellor, demanding the enforcement of standards in yeshivas. For the first time in Siegel's career, there is no reply.
- Jul. 2015** ● **Yaffed issues a letter to the NYC DOE and superintendents, signed by 52 yeshiva graduates, parents, and teachers, identifying 39 yeshivas not meeting standards.**
- Jul. 28, 2015** ● **DOE officials confirm to the *New York Jewish Week* that they will investigate Yaffed's complaint.**
- Aug. 2015** ○ A DOE spokesman tells the *Jewish Week* that the investigation would begin "soon." In the following 6 months, the DOE would not release any information on the investigation, except to say that investigators were approaching the task as "partners" rather than as investigators.
- Aug. – Nov. 2015** ○ Yaffed attempts many times to follow up with the NYC DOE on its promised investigation by phone and email. Dozens of calls and emails to the DOE and to the Chancellor go unanswered.

TIMELINE (CONT.)

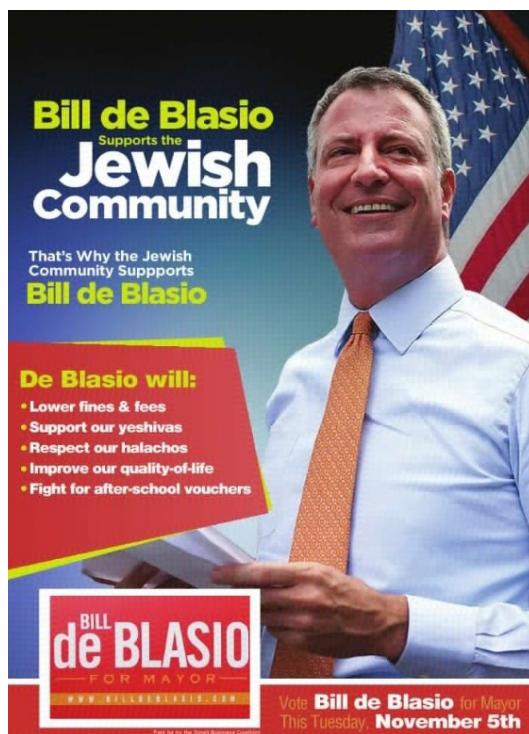
- Sep. 2015 ○ Jackson Heights City Councilman Daniel Dromm, Chair of the Education Committee, becomes the first politician to take a stand, vowing to do everything in his power to ensure that the DOE investigation is thorough.
- Dec. 2015 ○ NY State Senator David Carlucci and Assemblyman Kenneth Zebrowski introduce a bill that would create an enforcement mechanism for equivalent instruction education standards in nonpublic schools. The bill does not pass out of committee.
- Dec. 2015 ● **DOE officials meet with Yaffed and promise a report by the end of spring 2016.**
- Jan. 2016 ○ Yaffed meets again with DOE officials to provide them with more information on the issue, and with school records evidencing the lack of secular education.
- Feb. 2016 ○ The *Jewish Week* asks the DOE for an update on the investigation, and the spokesman says only that "the investigation is ongoing."
- Apr. 6, 2016 ● **Yaffed holds a press conference on the steps of City Hall, demanding accountability.**
- Apr. 20, 2016 ○ Yaffed attends its first Panel for Education Policy (PEP) meeting and presents to the panel. Chancellor Fariña says decisions will be coming shortly. The next day, the mayor's office re-establishes contact with Yaffed and Yaffed arranges for the DOE to interview 14 complainants.
- May 2016 ○ Assemblywoman Ellen Jaffee introduces a bill "to give teeth to existing legislation that already requires nonpublic schools to teach subjects similar to those taught in public schools." It does not pass.
- May 16, 2016 ● **In a City Council Education Committee hearing, Chancellor Fariña promises that a report will be released "in a month or so."**
- Jul. 2016 ○ Parents for Educational and Religious Liberty in Schools (PEARLS) is formed. The DOE meets with PEARLS and unveils a plan created in partnership with PEARLS, involving "updated curricula" and new textbooks, but which would not ensure that yeshivas meet requirements.
- Aug. 2016 ○ Interviewed by the *Forward*, DOE spokeswoman Devora Kaye says that representatives of Hasidic yeshivas had "committed to begin altering their curricula to include better and more secular education as early as next year," but would not say how the education provided by the schools would change.
- Mar. 2017 ○ Chancellor Fariña, interviewed by the *New York Daily News*, "would not commit to issuing a public report on the investigation's findings before the November mayoral election."
- Spring/Summer 2017 ○ Yaffed continues to address PEP meetings, confronts Chancellor Fariña, and meets with DOE officials, seeking accountability and asking for updates on the investigation (now a year overdue).
- May 18, 2017 ● **The DOE promises to release an interim report in the summer of 2017.**
- Aug. 25, 2017 ○ Asked when the investigation will be completed, Chancellor Fariña replies, "No comment."

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POLITICS

Some have suggested that politicians court Hasidic votes and may avoid taking actions that displease Hasidic community leaders because of the community's tendency to vote as a bloc.²⁴ Hasidic leaders have been called "politically powerful,"²⁵ and it is believed that politicians seek to appease them in order to gain the votes of their followers. Mayor de Blasio, in particular, allegedly "panders to religious interests," and specifically to the leaders of religious schools.²⁶

The Hasidic community proudly refers to itself as a "bloc vote" and openly encourages community members to vote in large numbers in order to have political sway, particularly with regard to education.



One of a set of ads run by the Small Business Coalition in Hamodia, The Jewish Press, Torah Times, and other papers during the 2013 election season.

היינט!

תושבי וויליאמסבורג פאראייניגט!

און די 50סטע אסעמבלי דיסטריקט פאר דיסטריקט לעידער:

LINDA T. MINUCCI

און די 18טע סענאט דיסטריקט פאר סטעיט סענאט:

MARTIN MALAVE DILAN

און די 53סטע אסעמבלי דיסטריקט פאר דיסטריקט לעידער:

MARITZA DAVILA

Delegates to the Judicial Convention
Vote for Five in Group of AARON A. JONES SR.

און ביידע דיסטריקט פאר קאונטי זשאדזש:

ODESSA KENNEDY

און ביידע דיסטריקט פאר דיסטריקט זשאדזש:

SUSAN QUIRK

Advertisement apparently circulated among Williamsburg Hasidim on September 13, 2016, shared publicly on Facebook by Satmar activist Gary Schlesinger and on Twitter by @HQSatar on September 14, 2016

Translation:

Coalition of schools and communities - Bloc Vote -
The people of our community in Williamsburg

Today!

Williamsburg residents united...

חשוב'ע תושבי וויליאמסבורג,

סדראטע א שוועקליכע סכנה איפ'ן חינוך הבנים והבנות ווי קיינמאל נישט בעפאר.
טעכטן האט א גרופע געמאלדן אז זיי האבן אויפגענומען א ריזיגע אדוואקאטן פירמע צו קלאגן
אז אונזער חינוך איז אומגעזעצליך. זיי ווילן צווינגען די סיטי איינצופילן וואס צו לערנען מיט די
קינדער, און חלילה צווינגען צו לערנען זאכן וואס איז נגד התורה. ליידער שטייען עלטערן אויס
שווערע גזירות אזוי ווי קעגן דעם חינוך אין מאנטרעאל, בעלגיע, און לאנדאן, און מיר דארפן זיך
אויך גרייטן אויף א שווערן קאמף.

**אין אזא צייט איז וויכטיגער ווי אלעמאל צו האבן סימפאטישע באאמטע וואס
רעספעקטירן און וועלן פארטיידיגן אונזערע רעכטן, כדי צו שטיין פעסט נישט
נאכצוגעבן פאר די העצערס.**

היינט איז דא פריימערי וואלן, ווען מיר מוזן ארויסברענגן די מאקסימום צאל שטימען פאר
ספעטע סענאטאר דילאן און אלע אינדארסירטע קאנדידאטן. צו צייגן אז דער ציבור איז
פאראייניגט און איז מכיר טובה די וואס העלפן זיי.

דער איינדרשטער זאל העלפן מיר זאגן בעיה. קענען איבערקומען די אלע העצערדיגע און
קענען ממשיך זיין מיט'ן חינוך הבנים והבנות כפי המסורה.

בכבוד רב.

הת' משה דוד נירדערמאן

היינט

Flyer apparently circulated among Hasidim, date unknown

Translation:

Residents of Williamsburg,

There's a terrible danger to the education of our sons and daughters like never before. Yesterday a group announced they partnered with a huge law firm to sue in court that our education is in violation of the law. They want to force the city to tell us what to learn with our children, and God forbid force us to teach things that go against the Torah. Unfortunately parents face tough decree like the education in Montreal, Belgium, and London, and we must also prepare for a difficult battle.

In such a time, it is more important than ever to have sympathetic representatives who respect and will defend our rights, to stand steadfast not to give in to the agitators.

Today is the primary election when we need to bring out the maximum number of votes for state senator Dillan and the other endorsed candidates to prove that the community is united to show appreciation to those who help them.

God should help we should overcome these agitations and be able to continue the education of our daughters according to our traditions.

Sincerely, The humble Moshe David Niederman

Note sent home to families of students at Satmar's United Talmudical Academy, Torah V'Yirah, September 12, 2016

Translation:

We are now dependent more than ever on the sympathy and help from government officials in order to be able to hold on to the holy education which is currently under heavy attacks, and who knows what the day will bring...

It is therefore critically important to bring out a large number of votes which demonstrates to the elected officials that we are interested in their representation of our neighborhood.

If, God forbid, our turnout is weak, we can suffer badly as a result, and it can bring serious consequences to the holy education...



NON-EQUIVALENT

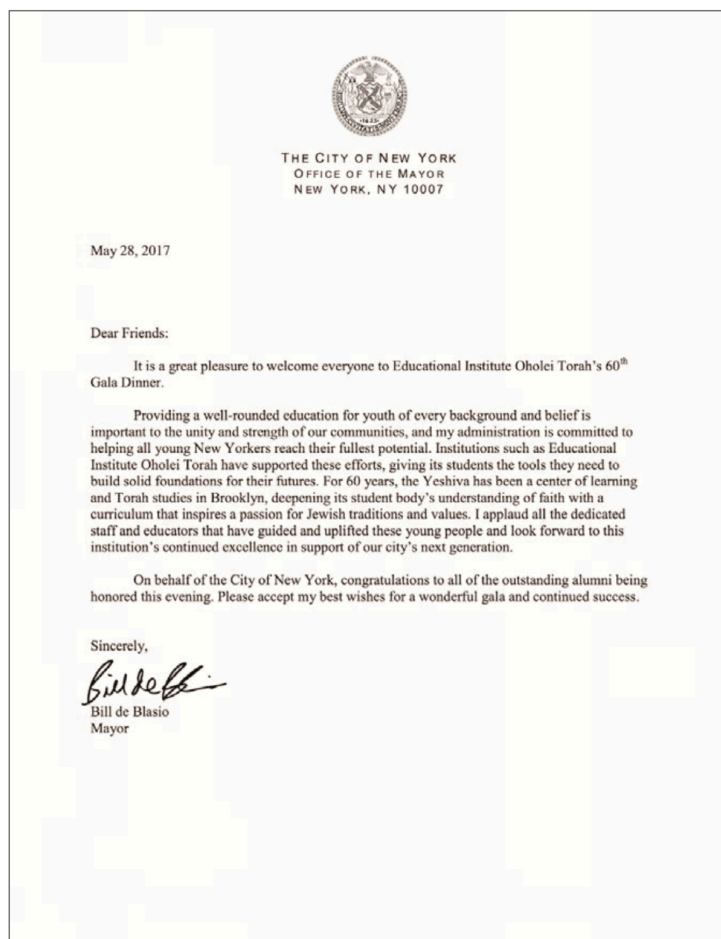
BACKGROUND

Yeshiva education appears to be one issue that politicians prefer not to touch. As far back as the 1990s, education officials, including State Education Commissioner Richard P. Mills and Regents Chancellor Carl Hayden, were aware of the lack of oversight of nonpublic schools and of their responsibility to ensure that nonpublic school students receive a quality education.²⁷ Commissioner Mills recommended in 2000 that the Regents adopt a proposal for increased accountability for student success in nonpublic schools.²⁸ Yet, NYSED and the DOE have continued to take a hands-off approach to yeshivas.

In the midst of the current yeshiva investigation, Mayor de Blasio sent a letter to yeshiva Oholei Torah in honor of its 60th anniversary, praising the school for its “excellence” and its contribution to “well-rounded education.”²⁹ Oholei Torah is one of the 39 yeshivas named in Yaffed’s 2015 letter, and by many accounts is one of the worst offenders, providing no secular instruction even to its elementary school students.

**BILL DE BLASIO**

Mayor



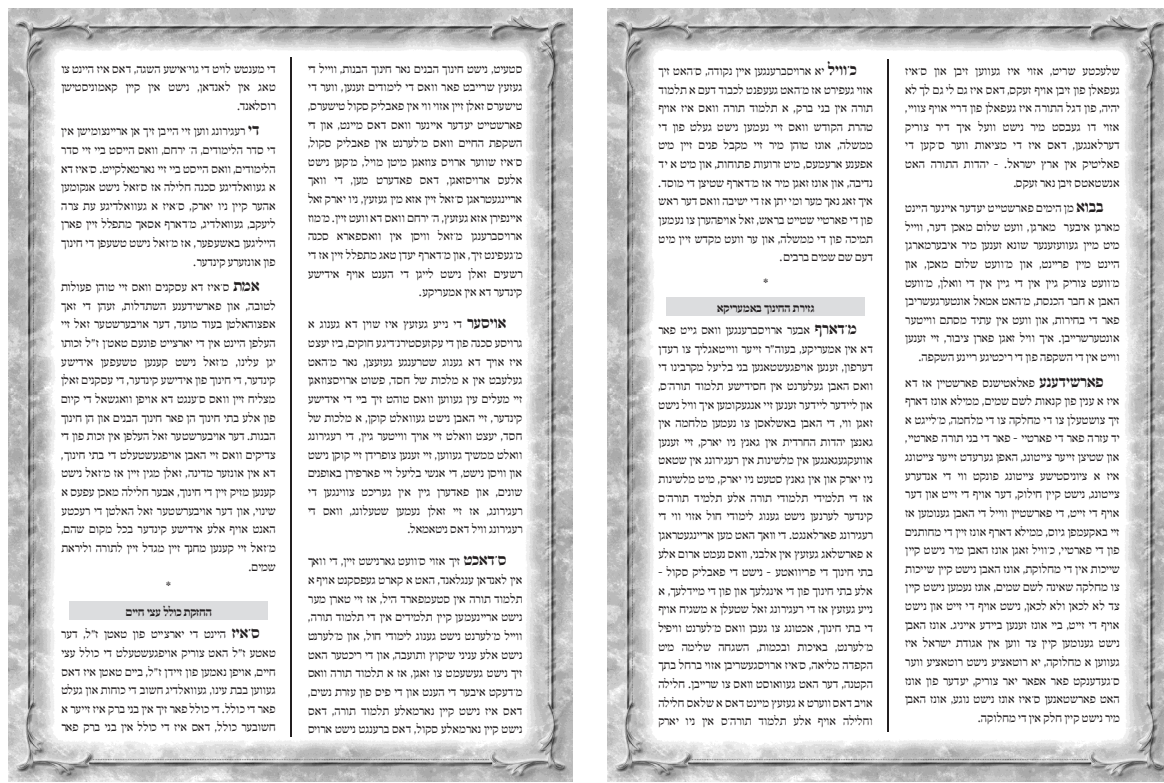
For 60 years, the Yeshiva has been a center of learning and Torah studies in Brooklyn, deepening its student body's understanding of faith with a curriculum that inspires a passion for Jewish traditions and values.

Bil de Blasio

Oholei Torah 60th Gala Dinner Event Journal, May 28, 2017, p.15

Although she denied that the stalling of the yeshiva investigation is politically motivated, New York City Schools Chancellor Carmen Fariña would not commit to issuing a report before the November mayoral election when interviewed by the *New York Daily News* in March 2017. She would not explain the delay, except to say that the investigation “takes time.”³⁰

In fact, Hasidic leaders have expressed their belief that government officials do not care to regulate yeshivas at all — and the leaders prefer to keep it that way. Grand Rabbi Aaron Teitelbaum of the Satmar Hasidic sect, in a speech to his followers on May 4, 2016, boasted that New York’s government had thus far “turned a blind eye” to Jewish schools, and if not for the complaints of the last few years “the government would have continued, they’re happy not to look and not to know.”³¹ However, the mandate of the Department of Education is to look out for the rights of all students in its purview, whether or not it is politically expedient to do so.



Rabbi Aaron Teitelbaum, speech published in Kol Hisachduseinu newsletter, May 4, 2016, p.35-36

Translation:

...several worthless people from our own who have studied in Hasidic yeshivas...went and snatched to the governments of NYC and NYS with complaints that the students of the yeshivas, of all yeshivas (elementary and middle school) are not learning enough general studies as required by law...Until now there were also strict laws, but because we live in a kingdom of generosity/tolerance, to put it bluntly, they simply turned a blind eye to what's going on by the Jewish children. They didn't want to look, the friendly kingdom. Now, too, they'd continue doing that, the government would have continued, they're happy not to look and not to know. But these worthless people are stirring up in various ways and are demanding in court, forcing the government that they should take a stance, which the government doesn't even want.

NON-EQUIVALENT



*“They’re literally turning a blind eye to **thousands of kids not getting an education.** We did not read or write in English. No math classes, no science classes. None of the secular studies at all.”*

– Mendel Vogel, yeshiva graduate

THE CURRENT STATE OF YESHIVA EDUCATION

The education in most New York Hasidic yeshivas is far from “substantially equivalent” to a public school education.

In contrast to New York public schools, and to the New York State Education Department’s guidelines for non-public schools, Hasidic yeshivas provide little or no general education in secular subjects such as English, math, science, and social studies. Among boys’ schools, the youngest and oldest grades provide no secular education. In between, typically from age 7 to age 12, boys receive 90 minutes of secular studies. Once they reach high school, most boys receive no secular studies at all, even though they spend up to 14 hours a day in yeshiva.

Girls’ schools tend to provide a slightly better education in secular subjects. Women are not religiously commanded to study Jewish texts – as men are in Rabbinic Judaism – so they do not spend as much time in the day on religious studies and more time is available (3 to 4 hours is common) for secular subjects. However, Hasidic girls are expected to become homemakers, so they are discouraged from taking secular academics seriously.

When yeshivas do provide secular instruction, it is in the late afternoon or evening, when the students are already exhausted after a full day of religious studies. Secular classes only take place 4 days per week, because yeshivas end classes early on Fridays to prepare for the Sabbath. The hour or 90 minutes of secular studies encompasses a small amount of English reading, spelling, and basic mathematics, rarely including any other subjects, and often far below the state standards for the grade level at which they are taught. Even English classes may be taught primarily in Yiddish, sometimes by unqualified instructors who may have come up through the same yeshiva system with almost no secular education to speak of.

Hasidic community leaders consider secular studies less important, or even a waste of time, *tum’ah* (impure), and *bittul Torah* (time that should be spent learning Torah). The sentiment is expressed by yeshiva administrators and teachers and echoed by students, so that secular studies hours are treated as free time by restless students, sometimes with tacit consent from school administration.

With only 4 to 6 hours per week of unqualified instruction in the most basic of secular subjects, students in Hasidic yeshivas – especially boys – are not being educated at a level that meets state guidelines.

NYSED GUIDELINES FOR DETERMINING EQUIVALENCY OF INSTRUCTION IN NONPUBLIC SCHOOLS

Required Subjects: Elementary School

In grades 1-6 the following subjects must be taught:

- Arithmetic
- English language
- Reading
- Spelling
- Writing
- Music
- Geography
- Health education
- Physical education
- Science
- United States history
- New York State history
- Visual arts

(NYSED Guidelines for Non-Public Schools)

In a recent survey of 116 yeshiva graduates and parents of current students, of which 49 attended Hasidic yeshivas in New York City, not a single respondent said that their New York City school provided instruction in every subject required by the state. In elementary school, 65% of those who attended Hasidic yeshivas in New York City reported having received some education in English reading, 61% in English writing, and 65% in arithmetic. Less than a quarter (24%) reported learning U.S. History, and only 2% learned New York History. Only 8% of Hasidic boys in NYC received instruction in science, and 10% were taught geography. None recalled any education in art, nor in music.

Of the respondents who attended elementary-level yeshivas for boys in New York City, 27% said they received no secular education at all in elementary school. Yeshiva Oholei Torah in Crown Heights was named by more than a dozen individuals for providing no secular education at all, even at the elementary level.

“You have kids right now who are not learning a word of English, not math, not science, not history, not geography. It’s a catastrophe.”

– Chaim Levin, yeshiva graduate

THE CURRENT STATE OF YESHIVA EDUCATION

SUBJECTS TAUGHT BY EACH SCHOOL – ELEMENTARY LEVEL

	READING ENGLISH	WRITING ENGLISH	ARITHMETIC	SCIENCE	US HISTORY	GEOGRAPHY	NY HISTORY	PHYSICAL EDUCATION	ART	MUSIC
BAIS YAAKOV Borough Park (girls' school)	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓
SATMAR Williamsburg (girls' school)	✓	✓	✓	✓	✓	✓	✓	✗	✗	✗
UNITED LUBAVITCH YESHIVA Crown Heights	✓	✓	✓	✓	✓	✓	✗	✗	✗	✗
BNEI ZION (BOBOV) Borough Park	✓	✓	✓	✓	✓	✗	✗	✗	✗	✗
YESHIVA BETH HILLEL (KRASNA) Borough Park	✓	✓	✓	✗	✓	✓	✗	✗	✗	✗
YESHIVA BELZ Borough Park	✓	✓	✓	✗	✗	✗	✗	✗	✗	✗
YESHIVA KEHILATH YAKOV (PUPA) Williamsburg	✓	✓	✓	✗	✗	✗	✗	✗	✗	✗
MOSDOS TOLDOS YAAKOV YOSEF CHASEDEI SKVERE Williamsburg	✗	✓	✓	✗	✗	✗	✗	✗	✗	✗
YESODE HATORAH-ADAS YEREIM (VEIN) Borough Park	✓	✗	✓	✗	✗	✗	✗	✗	✗	✗
BNEI SHIMON YISROEL- SOPRON (SHOPRON) Williamsburg	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗
OHOLEI TORAH Crown Heights	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗

THE CURRENT STATE OF YESHIVA EDUCATION

Ages of Instruction

In each school district of the state, each minor from six to sixteen years of age shall attend upon full time instruction.

(NY Educ L § 3205 (2012))

For students at Hasidic yeshivas in New York City who did receive some secular instruction at their yeshivas, the average age at which secular studies began was 7 and the average age at which they ended was 13. The range reported to Yaffed for the beginning of secular education at NYC yeshivas was 5 to 9 years of age. At many yeshivas, secular education lasted only a few years, ending at age 12 or 13 for most survey respondents and as early as age 11 for two respondents. Only 7% of respondents who attended Hasidic yeshivas in New York City said that their secular education continued through high school.

Required Subjects: Middle School

In grades 7 and 8 the following subjects must be taught:

- English
- Social studies
- Science
- Mathematics
- Physical education
- Health education
- New York State history
- Visual arts
- Music
- Practical arts
- Technology education
- Home and career skills
- Library and information skills

(NYSED Guidelines for Non-Public Schools)

For many yeshivas, grades 7 and 8 are the beginning of the end, so to speak, of secular studies. For the majority of Hasidic boys, secular studies stop altogether at the age of 12 or 13, when they and their classmates are becoming bar mitzvah. This means that as they reach *kita chess* or *kita tess* (which are equivalent to 7th and 8th grade in the public school system) their secular education often ends. Jay Fishman, a recent yeshiva graduate, told Yaffed in a recorded interview that in *kita tess* his yeshiva increased their school day by half an hour, ending at 6:20pm rather than 5:50pm, while eliminating the hour and a half of secular studies that it had previously provided. At age 13, in the equivalent of 8th grade, Fishman was receiving only religious education and learning none of the subjects required by the state. Many other yeshiva graduates have reported similar experiences.

Required Subjects: High School

A high school four-year course of study must include the following units of work or their equivalent:

- English - 4 units
- social studies, including a year of American history - 4 units
- mathematics - 2 units
- science - 2 units
- health - 1/2 unit
- physical education
- art and/or music - 1 unit

In addition to the preceding, instruction must be provided in:

- physical education and kindred subjects
- alcohol, drug, and tobacco abuse
- highway safety and traffic regulation, bicycle safety
- school safety patrol
- fire drills
- arson and fire prevention

(NYSED Guidelines for Non-Public Schools)

Three-fourths (75%) of respondents said they received no secular education at all at the high school level. For the one-quarter who did receive instruction in high school, it was typically optional and often discouraged. In high school, only 6 of the 44 New York City high school-level yeshiva students and graduates who responded to Yaffed's survey (14%) said they learned English. Seven (16%) received education in mathematics, eight (18%) in science, and four (9%) in social studies. One respondent said they had physical education classes, and none had art or music classes. None learned about highway safety and traffic regulations, arson and fire prevention, or alcohol, drug and tobacco abuse.

"[These are] smart and motivated children, and you're depriving them of skills that they will need for their future. . . . [Without] a basic secular education, you're basically crippled for life."

– Jay Fishman, yeshiva graduate

NON-EQUIVALENT

THE CURRENT STATE OF YESHIVA EDUCATION

SUBJECTS TAUGHT BY EACH SCHOOL – HIGH SCHOOL LEVEL

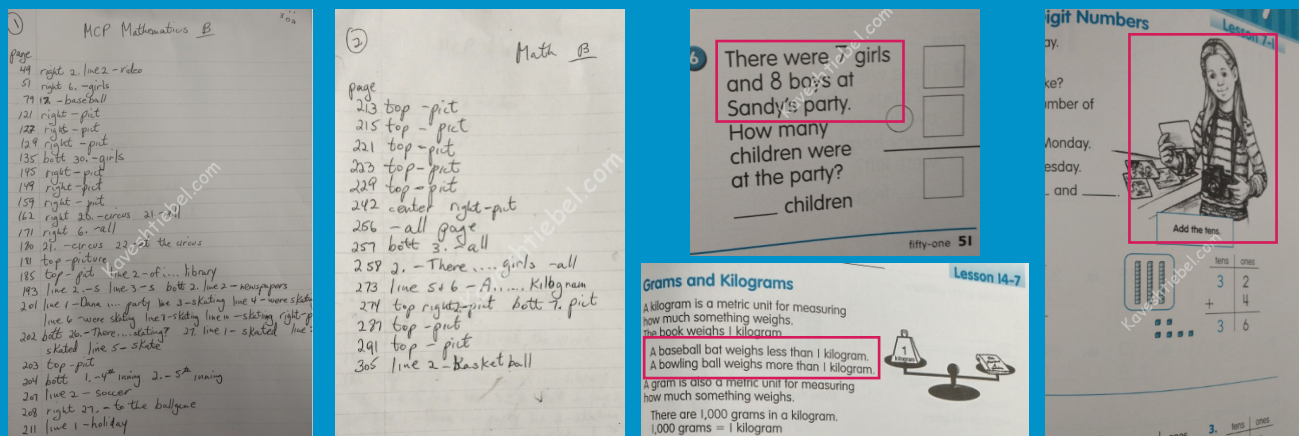
	ENGLISH	MATH	SCIENCE	SOCIAL STUDIES	PHYSICAL EDUCATION	ART	MUSIC	ALCOHOL & DRUG ABUSE	HIGHWAY SAFETY	FIRE PREVENTION
BAIS YAAKOV HIGH SCHOOL Borough Park (girls' school)	✓	✓	✓	✓	✓	✓	✗	✗	✗	✗
BNOS ZION Borough Park (girls' school)	✓	✓	✓	✗	✗	✗	✗	✗	✗	✗
UNITED LUBAVITCH YESHIVA Crown Heights	○ OPTIONAL	○ OPTIONAL	○ OPTIONAL	✗	✗	✗	✗	✗	✗	✗
YESHIVA KARLIN STOLIN Borough Park	○ OPTIONAL	○ OPTIONAL	○ OPTIONAL	○ OPTIONAL	✗	✗	✗	✗	✗	✗
YESHIVA CHEMDAS YISROEL KEREM SHLOMO (BOBOV) Borough Park	✗	○ OPTIONAL	○ OPTIONAL	✗	✗	✗	✗	✗	✗	✗
BETH HAMEDRASH SHAAREI YOSHER Borough Park	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
MACHZIKEI HADAS (BELZ) Borough Park	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
UNITED TALMUDIC ACADEMY (SATMAR) Williamsburg and Borough Park	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
TALMUD TORAH D'NITRA Williamsburg	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
YESHIVA KEHILATH YAKOV (PUPA) Red Hook	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
OHOLEI TORAH Crown Heights	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗

THE CURRENT STATE OF YESHIVA EDUCATION

TEXTBOOKS

Parents and students report that the textbooks used for their secular studies courses were often made by and for the Jewish community and were insular in their worldview. When books did not conform to haredi orthodoxy, they were typically censored. Many respondents said that large portions of text and images were blacked out, or entire pages ripped out of the books. At boys' schools, pictures of girls would be censored. Heretical ideas, such as evolution or any mention of the Earth being more than 5700 years old, were also removed. Anything relating to sexual reproduction was also censored. A *DNAinfo* article from 2013 confirms these statements; the publication acquired textbooks from United Talmudical Academy yeshivas and found heavy censorship.

The government sometimes provides books to yeshivas, but those books do not always fare better. A parent told *DNAinfo* that at his children's Belz yeshiva, even government books were stripped of undesirable content. One survey respondent said that government-issued readers were locked away in closets so that students could not get to them.



Above: Leaked images reportedly from a Hasidic yeshiva instructing officials to remove mathematics textbook examples that included content they deemed inappropriate. Images used with permission from Kaveshtiebel.com.

Testing

While not required at the present time, nonpublic elementary schools are strongly encouraged to administer the State tests. Approximately 75% of the children attending nonpublic schools are presently participating.

(NYSED Guidelines for Non-Public Schools)

Few yeshivas administer all of the State tests. Of those that have administered some or all of the tests, a very low percentage of students meet or exceed state standards. For example, on nearly all of this year's English Language Arts (ELA) and mathematics exams Bobover Yeshiva Bnei Zion had zero students achieving levels three or four, which are considered passing. More than 94% of the students who took any given test at the school received a level one score. Yeshiva Beth Hillel of Krasna and Yeshiva Machzikei Hadas saw similar results, with almost no students achieving levels three or four on any state examination.³²

THE CURRENT STATE OF YESHIVA EDUCATION

There have also been reports of cheating on state tests in Hasidic yeshivas. Eleven survey respondents who attended Hasidic schools in New York City recalled that there was cheating on government exams at their schools. In 2015, the *New York Daily News* reported that a teacher at a Satmar yeshiva was caught on camera providing answers to students on an English assessment test believed to be tied to Title III funding.

Length of School Day

The law does not mandate specific time periods for nonpublic schools but they should provide instruction for approximately the same time required of public schools.

*Grades 1-6 = 5 hours daily
Grades 7-12 = 5 1/2 hours daily*

(NYSED Guidelines for Non-Public Schools)

The length of time spent on secular studies in Hasidic elementary schools ranges from 0 to 3 hours, four days per week. Most yeshiva students and parents reported that their schools provided 1 to 2 hours of secular education per day. Typically, secular instruction is at the end of the school day, beginning after 3pm for most students in the equivalent of grades 1-6.

“[There was] one hour and ten minutes for the first grade, and one hour and twenty minutes for the fourth grade, and I was their teacher for all the secular subjects... they only were coming to me at 5:00 in the afternoon after a full day [of Jewish studies]; that must have been extremely difficult for them.”

– Yitz, former yeshiva teacher

In high school, most yeshivas eliminate secular studies altogether. A few yeshivas make secular studies optional. For those who continue to receive instruction in secular subjects, the hours are often even shorter. Although, for boys, the school day gets longer as they get older – sometimes reaching 14 hours a day – only the amount of time devoted to religious studies increases, while the amount of time devoted to secular studies stays the same, decreases, or disappears altogether. Girls may still receive up to 4 hours of secular studies per day in grades 7-12, but the few boys’ yeshivas that still provide secular education at this age typically provide only one to two hours.

THE CURRENT STATE OF YESHIVA EDUCATION

HOURS OF SECULAR
EDUCATION IN EACH SCHOOL
– ELEMENTARY LEVEL

	HOURS
BAIS YAAKOV Boro Park (girls' school)	3
SATMAR Williamsburg (girls' school)	3
UNITED LUBAVITCH YESHIVA Crown Heights	1.5
BNEI ZION (BOBOV) Borough Park	1.5
YESHIVA BETH HILLEL (KRASNA) Borough Park	1.5
YESHIVA BELZ Borough Park	1.5
YESHIVA KEHILATH YAKOV (PUPA) Williamsburg	1.33
MOSDOS TOLDOS YAAKOV YOSEF CHASEDEI SKVERE Williamsburg	1.25
YESODE HATORAH-ADAS YEREIM (VEIN) Borough Park	1
BNEI SHIMON YISROEL- SOPRON (SHOPRON) Williamsburg	1
OHOEI TORAH Crown Heights	0

HOURS OF SECULAR
EDUCATION IN EACH SCHOOL
– HIGH SCHOOL LEVEL

	HOURS
BAIS YAAKOV HIGH SCHOOL Borough Park (girls' school)	4
BNOS ZION Bobov (girls' school)	4
UNITED LUBAVITCH YESHIVA Crown Heights	2 (OPTIONAL)
YESHIVA KARLIN STOLIN Borough Park	1.5 (OPTIONAL)
YESHIVA CHEMDAS YISROEL KEREM SHLOMO (BOBOV) Borough Park	1.5 (OPTIONAL; 2 YEARS ONLY)
BETH HAMEDRASH SHAAREI YOSHER Borough Park	0
MACHZIKEI HADAS (BELZ) Borough Park	0
UNITED TALMUDIC ACADEMY (SATMAR) Williamsburg and Borough Park	0
TALMUD TORAH D'NITRA Williamsburg	0
YESHIVA KEHILATH YAKOV (PUPA) Red Hook	0
OHOEI TORAH Crown Heights	0

NON-EQUIVALENT

THE CURRENT STATE OF YESHIVA EDUCATION

Yeshiva graduates who wish to continue on to post-secondary education may be hindered from doing so. Few Hasidic yeshivas provide diplomas to their graduating students; in order to provide authorized diplomas, non-public schools must administer the Regents' Examinations or an alternative accepted by the state, and few yeshivas do so. One or two exceptions of which Yaffed is aware provide optional instruction toward the Regents' Exams in the evenings and administer the tests to those students who wish to take them.

Many students find themselves unable even to pass the General Educational Development high school equivalency test (GED or TASC) after graduating yeshiva without a diploma. This makes further secular study extremely challenging, if not impossible, for most yeshiva graduates. Even for Hasidic girls, the road may be steep. A widely reported letter from leaders of the Satmar Hasidic sect in 2016 forbade girls from going to college, saying they "shouldn't God forbid take a degree which is according to our sages, dangerous and damaging."³³ Those who disobeyed would be denied positions as teachers. One graduate, Hayden, told Yaffed that when she attended Satmar girls' school of Borough Park the administration actively discouraged its students from going on to college, telling the girls that college "ruins your soul." When Hayden decided to pursue a bachelor's degree despite these admonitions, the school refused to give her the transcripts she needed in order to enroll. In situations like Hayden's, even a graduate with a strong desire to continue his/her education in secular subjects may be unable to pursue post-secondary education.

"The unfortunate reality is that the future of these children is likely to include the same poverty and dependence in which they were raised... every child deserves a real choice about his future."

– Yitzhak Bronstein, former yeshiva teacher

SCOPE OF THE ISSUE

The issue of education in yeshivas affects a tremendous number of people directly — namely, yeshiva graduates and their families. Moreover, the issue indirectly touches millions more throughout the city, the state of New York, the United States, and the world.

There are approximately 240,000 Hasidim in the eight-county New York metropolitan area.³⁴ More than 57,000 children were enrolled in Hasidic schools in New York City at last count in 2013, and the number is likely much higher now.³⁵ Tens of thousands of children and their families are directly harmed by the lack of secular education in their schools, and the number is growing every year.

It is estimated that by 2030, between 23% and 37% of Brooklyn's school age children and up to 13% of all New York City school age children will be Hasidic. (See **Demographic Projections for Hasidic School Enrollment**, pp.44-50 for more information.) If Hasidic students continue to receive a subpar education, the Department of Education will have failed in its duty to nearly one-eighth of New York City's schoolchildren.

By 2030, if no action is taken, the NYC Department of Education will have failed in its duty to nearly 1/8th of New York City's schoolchildren.

Furthermore, the government is failing its taxpayers by allowing this to continue. Without adequate education in English, math, science, and other crucial areas, yeshiva graduates enter the workforce without the skills and credentials needed to support themselves and their families. In most cases, they are unable to obtain those skills and credentials even after leaving yeshiva, and therefore are unable to obtain employment with sufficient income, leading to higher rates of dependence on public assistance. It is therefore in the best interest of all New York and United States taxpayers to ensure that yeshivas meet educational standards.

The struggle for better secular education in yeshivas is also underway in Israel, Canada, and in Britain, where the government has inspected Haredi yeshivas and found their secular education lacking.³⁶ In Belgium, the government has mandated that all schools teach a certain curriculum or be stripped of hundreds of thousands of euros in annual funding.³⁷

NON-EQUIVALENT

SCOPE OF THE ISSUE

In the United States and elsewhere, many Jewish schools provide strong secular instruction while maintaining a rich tradition of rigorous religious study. New York state examples include the Ramaz School, SAR Academy, and more. Litvish yeshivas, which are also ultra-Orthodox Jewish and emphasize Torah learning, are reputed for providing a strong secular education to their students throughout the primary and secondary years (although this, too, appears to be declining). Yet, Hasidic leaders have held out against such reforms.

The education of children is a universal issue. Education is a fundamental human right, and has been enshrined in international law and numerous international rights instruments.³⁸ The Universal Declaration of Human Rights (1948) declares that everyone has the right to education.³⁹ The 1960 Convention against Discrimination in Education clarifies and expands that right to include the quality of education, noting specifically that private educational institutions should provide education that “conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.”⁴⁰ The right to education for all was reaffirmed in 1966 by the International Covenant on Economic, Social and Cultural Rights (1966), to which the United States is a party.⁴¹ The World Education Forum and the Millennium Declaration again reaffirmed the right to education in 2000, and the United Nations continues to recognize and work toward equitable quality education as a fundamental right.⁴²

Ultimately, children’s education affects all of us. When a group of children has been excluded from receiving an adequate education, and the government turns a blind eye, it is a tragedy that no one can afford to overlook.

Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

– Universal Declaration of Human Rights, 1948

New York's Hasidim^{vii}



239,000

Hasidic
out of
1,538,000
Jews in the
New York
Metro area



43% of
Hasidic
households
in New York
are poor



16% are near poor



5.8

children per
Hasidic woman
aged 35-44



1 in 8 non-public schools in
NYC is a Hasidic yeshiva

1 in 5 non-public
school students
in NYC is in a
Hasidic yeshiva



DEMOGRAPHIC PROJECTIONS FOR HASIDIC SCHOOL ENROLLMENT

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INTRODUCTION

The Hasidic community has a worldwide presence, with large communities in Israel, the United States, England, Belgium, Canada, and Australia. In the US, Hasidic communities are largely clustered in six neighborhoods in New York State: Boro Park, Williamsburg, Crown Heights (all located in Brooklyn), and Monsey, New Square, and Kiryas Joel (located outside of New York City). Due to a high average birthrate of 5.8 children and a young average age at marriage, the Hasidic community has been rapidly growing, expanding even beyond its current neighborhoods to new locations outside of New York City.⁴³

The rapid rate of population growth translates into a large and ongoing expansion of the school-age population across the ultra-Orthodox spectrum. **In this report, we use multiple data sources to project that by 2030, between 8% and 13% of school-age children in New York City, and between 23% and 37% of school-age children in Brooklyn, will be Hasidic.**

Our projections are likely an underestimate of the full extent of the ultra-Orthodox school-age population growth because our report excludes Hasidic schools in suburban New York, as well as all Yeshivish (Litvish) schools, many of which share similar educational practices. Yet based on our research, we know that most Hasidic boys will receive an education that does not provide basic literacy in English or math, and certainly not in other subjects. These projected numbers may have a significant impact on the future of education in the New York City metropolitan area, especially Brooklyn.

We draw on three data sources for our analysis: First, the Avi Chai Foundation census of Jewish day schools provides data on the growth of ultra-Orthodox school enrollment from 1998-2013. Second, the UJA's 2012 "Jewish Community Study of New York" provides an alternative source for population estimates of school-age children in the New York area. And third, the New York City Department of City Planning's projections for the number of school-age children through 2040.⁴⁴

Drawing on a data analysis method used to estimate Hasidic populations,⁴⁵ we use these three sources to construct a range of estimates for the growth of Hasidic school-age population in New York City through 2030.

SUMMARY OF FINDINGS

- According to the Avi Chai Foundation, enrollment in Hasidic and Yeshivish schools in New York City and the surrounding suburbs grew by approximately 65%, from 69,401 to 114,574, between 1998 and 2013. For New York City alone, combined Hasidic and Yeshivish enrollment grew by 53% from 52,567 to 80,604. Hasidic enrollment in particular grew by over 86%, from 27,983 to 52,063 in New York City, and it more than doubled if we include both New York City and nearby suburbs. There was less pronounced growth in the Yeshivish community, where most of the growth in this period took place in Lakewood NJ, outside of New York City and the surrounding suburbs.

	1998	2003	2008	2013
Hasidic NYC	27,983	32,909	40,239	52,063
Hasidic NYC Suburbs	10,357	15,026	18,891	26,446
Litvish (Yeshivish) NYC	24,584	25,686	26,711	28,541
Litvish (Yeshivish) NYC Suburbs	6,477	6,785	8,066	7,524

- The 2011 UJA-Federation of New York's study of the New York Jewish community provides an estimate for the total number of Hasidic residents living in New York (239,000), and indicates that Hasidic communities have the highest birthrates of all Jewish communities, with a rapidly growing school-age population. By using the estimate that approximately 35% of the Hasidic population is between the ages of 5-17 (as derived by Comenetz, 2006), we can estimate the size of the Hasidic school-age population using the UJA data.
- Additionally, in 2013 the New York City Department of City Planning published projections through 2040 for the total school-age population in New York City as a whole and in Brooklyn in particular. The report indicates modest expected growth in the school-age population between 2010 and 2030 (from 1,260,400 to 1,347,036 in New York City, and from 424,704 to 461,688 in Brooklyn).
- Joshua Comenetz writes in his 2006 paper on Hasidic demography that the Hasidic age structure is predictable (i.e. we know that approximately 35% of the Hasidic population is between 5-17), and also that the growth rate for Hasidic communities is approximately 4.3% per year. Utilizing Comenetz's method, we use the data from the New York City Department of City Planning (2013), the Avi Chai foundation (2013-2014), and the UJA study (2012), to make projections about Hasidic growth through 2030, estimating the proportion of school-age children in New York City who will be Hasidic. We project that by 2030, between 8% and 13% of school-age children in New York City, and between 23% and 37% of school-age children in Brooklyn, will be Hasidic.

NON-EQUIVALENT

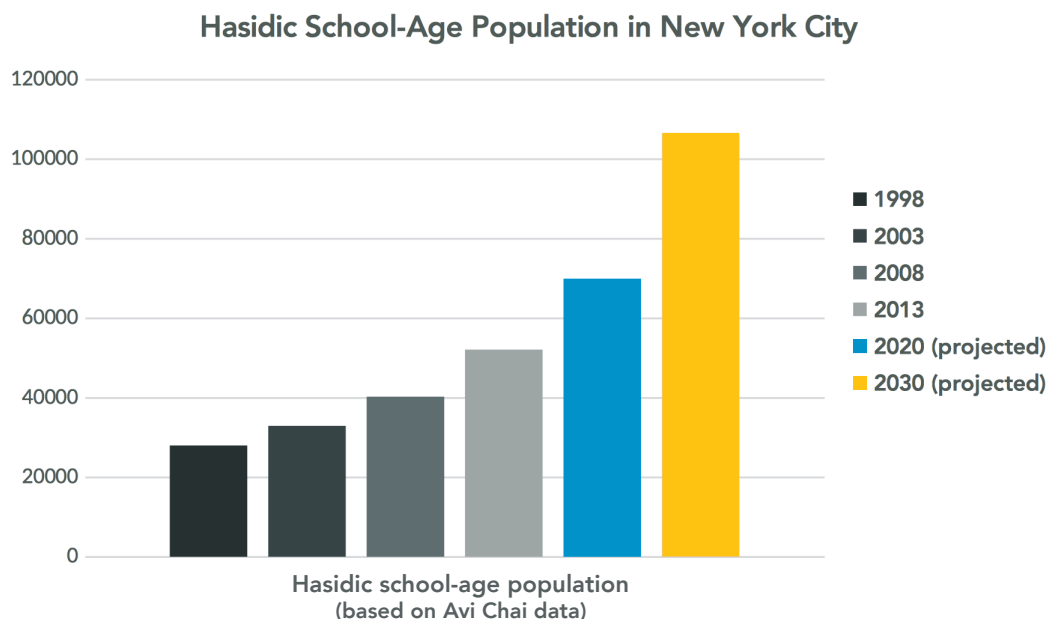
SCOPE OF THE ISSUE

ELABORATION ON FINDINGS

Historical Ultra-Orthodox School Enrollment

The most comprehensive historical data on Hasidic school enrollment is available from the Avi Chai foundation's report, "A Census of Jewish Day Schools in the United States 2013-2014." Based on a census conducted in four waves, beginning in 1998, the report surveys all Jewish day schools in the United States, although New York City and its surrounding suburbs account for the largest portion of day school enrollment. The census provides detailed information on changes in student population over this 15 year period, and demonstrates significant growth in Hasidic and Yeshivish day school enrollment.

The data indicates a trend of dramatic growth in ultra-Orthodox schools, specifically Hasidic schools. During this period in New York City, ultra-Orthodox school enrollment grew by over 53%, from 52,567 to 80,604. Hasidic enrollment in particular grew by over 86%, from 27,983 to 52,063 in New York City, and by over 100% from 38,340 to 78,509 if we include both New York City and the surrounding suburbs. In both cases, we see dramatic growth over time, especially among the Hasidic schools. The Yeshivish community experienced most of its growth during this period in Lakewood, New Jersey, where the Yeshivish school enrollment grew from 4,613 students in 1998, to 20,815 students in 2013, but it only grew from 31,061 in 1998 to 36,065 in 2013 in the NYC region.



Projecting School Age Children in New York City

In order to estimate the future proportion of school-age Hasidic children, it is necessary to use estimates of the total number of school-age children expected to reside in the city as a whole. A 2013 New York Department of City Planning report, "New York City Population Projections by Age/Sex & Borough, 2010-2040," provides projections for school-age children in New York City through 2040. The report estimates that New York City's population is expected to grow from 8,242,624 to 8,821,027 by 2030, and the school-age population is expected to increase modestly from 1,260,400 to 1,347,036.

Additionally, the report provides projections for the school-age population in specific boroughs. The school-age population in Brooklyn is projected to grow from 424,704 in 2010 to 461,688 in 2030.

These estimates allow us to make predictions about what proportion of the total school-age population will be Hasidic because it is unlikely significant changes in fertility rates or in neighborhood patterns will occur in the thirteen year period from 2017-2030.

Estimated Projections of Hasidic Population based on Avi Chai study:

In this section, we present projections for future growth of the Hasidic school-age population based on the available data. First, we consider the Avi Chai foundation study of day schools in 2013, which states that in 2013, 52,063 students were enrolled in Hasidic schools and 5,680 were enrolled in Chabad schools in New York City. We exclude Chabad students from our analysis because some Chabad-run schools are geared toward non-Orthodox students and do not offer a standard Hasidic curriculum.

Using the non-Chabad Hasidic number (52,063) as our baseline, we can then use an approximate growth rate to look at future growth. We base this growth rate on Comenetz (2006) who estimates that the yearly growth rate for school-age population in Hasidic schools is 4.3%, which we will use to project future growth.

This estimate, though crude, is partially confirmed by the growth rate of the entirely Hasidic village of Kiryas Joel in 2011, which (as derived from births minus deaths) was approximately 4.06%,⁴⁶ quite close to Comenetz's estimate of 4.3% (this does not include those who might have moved to or from Kiryas Joel in this time period). Additionally, note that in this section, we only consider the non-Chabad Hasidic community, not the Yeshivish community or other sub-groups of the ultra-Orthodox community, which also serves to make our estimates quite conservative.

Given the Hasidic growth rate, we project that the population of school-age children will increase by over 200% by 2030. This estimate relies on the assumption that this growth rate would remain constant over the next seventeen years.⁴⁷ This suggests that in New York City, in 2030, the population

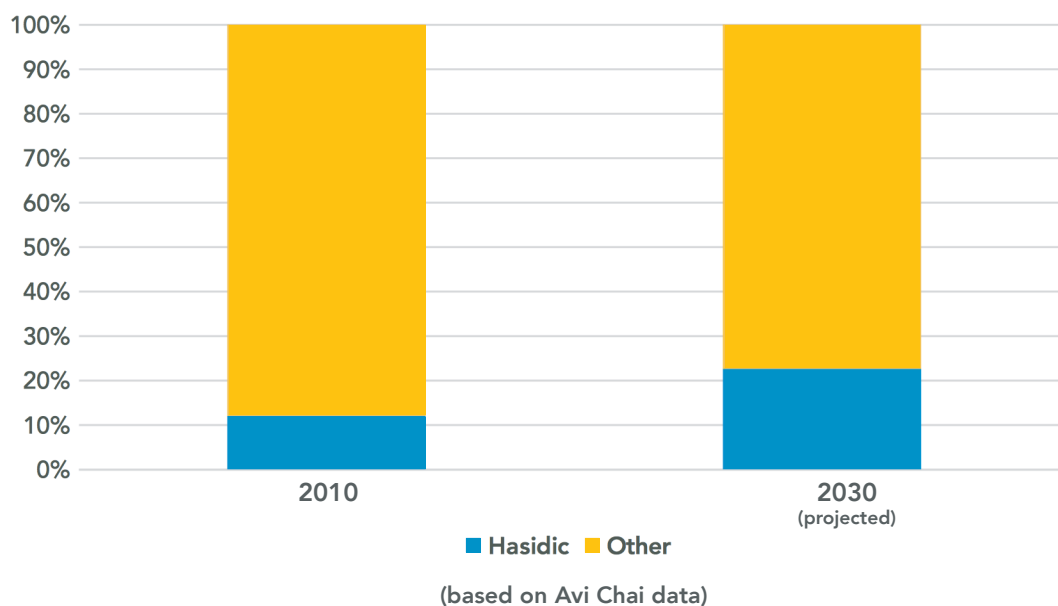
NON-EQUIVALENT

SCOPE OF THE ISSUE

of school-age children in the Hasidic community will be 106,503 children. Therefore, using the Avi Chai estimates, Comenetz's estimate for the Hasidic growth rate, and the New York Department of City Planning's report, we can project that by 2030 approximately 8% of all school-age children in New York City will be Hasidic.

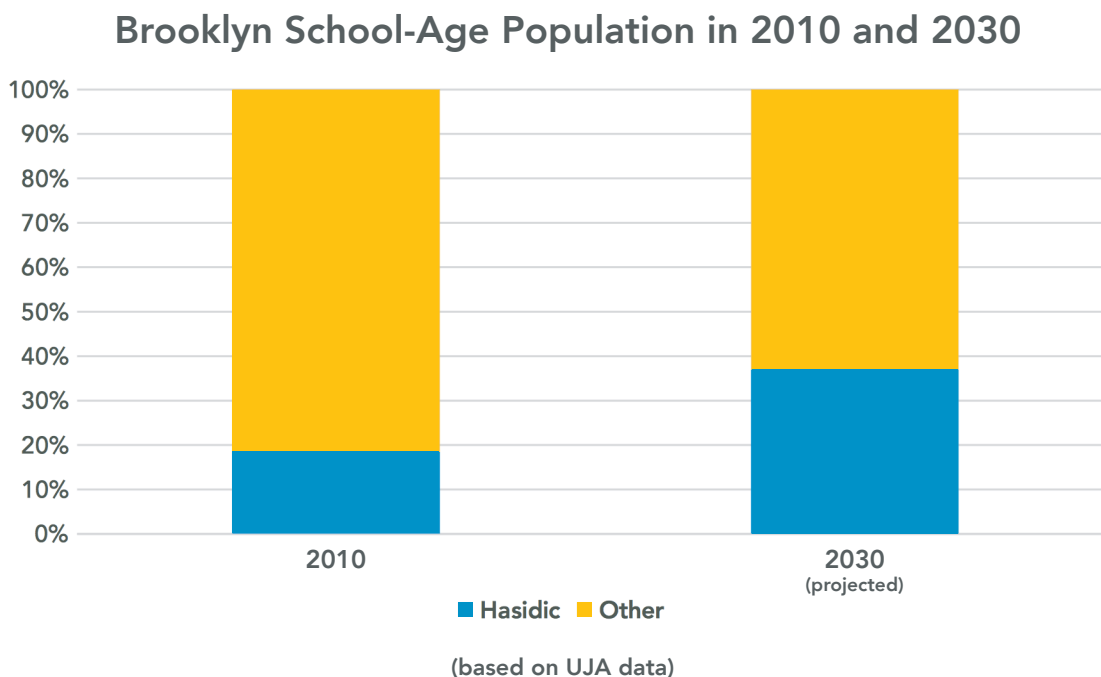
These students are primarily located in Brooklyn, where they make up an even higher percentage of the school-age children. The Avi Chai foundation data does not include demographic information on where Hasidic communities are located in New York City. However, we can use the UJA estimate that 94% of Hasidic residents in the eight county New York area (Bronx, Brooklyn, Staten Island, Queens, Manhattan, Nassau, Westchester, and Suffolk) live in Brooklyn and approximately 96% live in New York City generally.⁴⁸ Based on these percentages, and assuming that Hasidic communities will grow at a constant rate in Brooklyn, we project that by 2030, there will be approximately 104,284 school-age Hasidim in Brooklyn, and so 23% of school-age children in Brooklyn will be Hasidic (104,284/461,688).

Brooklyn School-Age Population in 2010 and 2030



Estimated Projections of Hasidic Population Based on UJA Estimate:

The recent 2012 UJA “Jewish Community Study of New York” allows us to obtain a second and larger estimate of the Hasidic school-age population in New York City. This study finds that there are 239,000 Hasidic Jews in the eight county New York area alone. Of these, the study states that a little over 96% live in New York City and 94% live in Brooklyn. Applying Comenetz’s research, we can assume that 35% of the Hasidic population is of school-age.⁴⁹ Further, we can use this number to derive the number of Hasidic children in Brooklyn (78,013) and New York City (79,673) in 2011. Given the 4.2% growth rate for joint Chabad-Hasidic growth, and assuming constant growth in New York City, this would mean that there will be 170,472 Hasidic school-age children in Brooklyn by the year 2030, and 174,100 in New York City.⁵⁰ This would imply that by 2030, 37% of school-age children in Brooklyn will be Hasidic, and 13% of New York City school-age children will be Hasidic. This study gives a larger percentage of students than the Avi Chai Foundation census suggests, which we would expect because it includes Chabad schools, among other factors.



CONCLUSION

Using data from the Avi Chai Foundation and UJA, we can estimate that between 23% and 37% of school-age children in Brooklyn will be Hasidic by 2030. This is only a short-term estimate, projecting less than twenty years ahead, and it is consistent with growth seen from 1998-2013 in the Avi Chai census of Jewish Day Schools. Given this, we can conclude that by 2030, the most populous borough in New York City will have a school-age population that will be between approximately one fifth and one third Hasidic. Further, in NYC as a whole, between 8% (based on the Avi Chai data) and 13% (based on the UJA data) of school-age children will be Hasidic by 2030. This projected growth does not include Yeshivish schools, which increasingly eschew teaching secular studies. While this essay focuses on New York City data, this projected growth also applies to Hasidic communities outside of New York City, including places like New Square, Monsey, and Kiryas Joel, as well to a lesser extent to Yeshivish communities. The issue of Hasidic education, as this report shows, is not one that will disappear or remain static, but will only grow in size and urgency going forward.

*Thanks to Prof. Steven M. Cohen, PhD, for his comments on earlier versions of this paper.

FUNDING AND ECONOMIC IMPACT

YESHIVA FUNDING

It is often assumed that non-public schools, especially religious schools, do not receive government funds. However, certain policies and loopholes allow non-public schools, including yeshivas, to benefit from millions of dollars in government funds through a variety of programs. Yeshivas have been taking advantage of these funds for years, which means that taxpayers are, in fact, paying for yeshiva education.

Furthermore, a common argument against improving secular education in yeshivas is that the schools do not have enough funding to do so. Some have suggested that the solution to improving secular education in yeshivas is not regulation, but increased funding. This claim is questionable, since non-Hasidic yeshivas (e.g. Litvish and Modern Orthodox) and Hasidic girls' schools, which are funded similarly, often provide better secular education to their students. WNYC addressed this claim in 2015 in a piece entitled, "Is Improving Secular Education in Yeshivas a Matter of Money?" in which it reported that the Satmar school system received about \$20 million in federal aid for its school system in Brooklyn the previous year.⁵¹ In that segment, Marc Stern, a lawyer at the American Jewish Committee, said, "If somebody were to offer Satmar a million dollars a kid you're still not going to see arts and humanities courses." Nevertheless, Yaffed has attempted to examine the range of funding available to yeshivas.

Unfortunately, it is nearly impossible for the public to know exactly how much funding each yeshiva receives. Despite being certified tax-exempt nonprofit organizations by the Internal Revenue Service (IRS), which typically requires public filing of Form 990 financial documents, Hasidic yeshivas benefit from the Exemption from Requirement to File Form 990 granted to churches. IRS code states that, along with churches, "A school below college level affiliated with a church or operated by a religious order" can be exempted from filing the Form 990.⁵² Many Jewish religious schools, including some yeshivas and even Hasidic girls' schools, file Form 990s, yet none of the Hasidic yeshivas on Yaffed's list file the document for their elementary and secondary-level schools. Nor do most of these yeshivas publicize their financial statements or annual reports, as many nonprofits do. Without these documents, the exact budgets of these schools remain a mystery.

However, by examining sources of funding for which non-public schools can qualify, Yaffed was able to gain a fuller understanding of yeshivas' budgets. The reality is that yeshivas benefit tremendously from local, state, and national resources.

FEDERAL

TITLE FUNDS

The United States federal government provides hundreds of millions of dollars in funding to non-public schools, and yeshivas benefit from a large amount of this funding. In 2016-17, the federal Department of Education provided non-public schools in New York City with approximately \$106 million for Title I Low-Income Remediation, \$8.7 million for Title II Teacher Training/Teacher Excellence, and \$12.9 million for Title III Bilingual/English as a Second Language (ESL) programming.⁵³ Hasidic yeshivas are estimated to receive tens of millions of these federal dollars.⁵⁴ Although exact numbers for New York City yeshivas remain unknown, non-public schools in the largely Hasidic county of East Ramapo received approximately \$835 per student in federal Title funding in 2016-17.⁵⁵

Federal Title I funding, which is earmarked by the United States Education Department for assistance to low-income students and schools for the purpose of meeting state standards in academics,⁵⁶ often ends up in the hands of yeshivas. Despite the Title I clause that the funds must “supplement, not supplant” the school’s programming in state standard subjects, some yeshivas use Title I funding to pay the teachers for their only hour to ninety minutes of secular studies. Others, rather than directly receiving money from the program, may receive services contracted through Title I providers.

Title III, intended for teaching immigrants and Native Americans who learn English as a second language,⁵⁷ is also allocated to Hasidic yeshivas full of students born and raised in the United States. For many, even children whose families have been in America for generations, English is their second language because Yiddish is spoken at home and no English is taught in school until they reach age 6 or 7. In all grades in yeshivas, Yiddish is the spoken language for religious studies classes and even for some English classes.

HEAD START

Some yeshivas receive federal Head Start funding through the New York EarlyLearn program. These funds are designated for child care and Head Start programming for children ages six weeks through four years old in “safe, clean, and nurturing settings” with “experienced, certified, and trained teachers” and “developmentally appropriate and educational instruction.”⁵⁸ Some yeshivas, including Pupa’s Yeshiva Kehilath Yakov and Satmar’s United Talmudical Academy of Boro Park, appear in City databases as Head Start providers.⁵⁹ Additionally, a provider called United Academy, likely connected to Satmar’s United Talmudical Academy yeshivas, is receiving EarlyLearn funding.

Other yeshivas appear to be receiving Head Start and/or EarlyLearn funding through contracting with

child care groups such as Yeled V'Yalda Early Childhood Center, All My Children Daycare and Nursery, Shira Association, Project Social Care, and a large child care network called B'Above Worldwide Institute.⁶⁰ B'Above, owned by a Hasidic rabbi, raised eyebrows in 2012 by winning an unprecedented \$31 million in New York City child care contracts, beating out longstanding local programs throughout the city.⁶¹ B'Above partnered with yeshivas in Brooklyn, leasing space in their buildings for child care programs.⁶² B'Above claims that approximately half of the children it serves are Jewish.⁶³ In Fiscal Year 2016, B'Above paid approximately \$225,000 in rent to United Lubavitcher Yeshiva, where it reportedly served 108 children, out of its EarlyLearn account.⁶⁴

E-RATE

Hasidic yeshivas also receive federal funding through the Federal Communications Commission's Schools and Libraries program, also known as E-rate. This program is designed to assist schools and libraries, especially those in high-poverty and rural areas, with purchasing of Internet and telecommunications technology.⁶⁵ Hasidic communities forbid Internet usage, and few, if any, of their schools provide computers or Internet access to their students, yet some Hasidic yeshivas have received more than double the amount of E-rate money per student as compared to New York public schools.⁶⁶

In 2013, the *New York Jewish Week* undertook an investigation of federal E-rate funding to haredi schools and found that more than \$30 million in E-rate funds had been distributed to 285 New York State Jewish schools in 2011, a figure greater than 20% of the state's total allocations for the program, while the schools enroll only 4 percent of the state's K-12 students.⁶⁷ At one Rockland County yeshiva, Yeshivat Avir Yakov, which had received more than \$3.3 million, video of the school building showed not a single computer or telephone.⁶⁸ Around the same time, the *Forward* reported that in 2010 a "flurry" of ultra-Orthodox groups had applied to library associations in order to qualify for the program, resulting in commitments of \$1.4 million of E-rate funding to "ultra-Orthodox religious institutions in Brooklyn that don't actually qualify as libraries."⁶⁹ The *Forward* visited one such institution and found a small room with no librarian and a dozen computers, for which the group had received \$176,000 worth of commitments from E-Rate.⁷⁰ Between 2010 and 2013, such groups had received, on average, "more than twice the average amount committed to libraries in New York State during the same period".⁷¹

In 2016, the FBI conducted raids of yeshivas and technology vendors in ultra-Orthodox communities in Williamsburg, Brooklyn and Rockland County in connection with an E-rate fraud investigation.⁷² The FBI has not yet made public any results of the investigation. Several yeshivas, including Yeshiva Avir Yakov, Yeshiva Ch'san Sofer, Yeshiva Kehilath Yakov, Bnei Shimon Yisroel of Sopron, Bobover Yeshiva Bnei Zion, and Congregation Ohr Menachem, are still listed as E-rate recipients on the New York State Department E-Rate Resource Center website.⁷³

NON-EQUIVALENT

FUNDING AND ECONOMIC IMPACT**FOOD**

Many yeshivas receive federal funding for food programs, including school lunch and breakfast. The USDA sends additional money through the Fresh Fruit and Vegetable Program (FFVP); in 2014-15, FFVP granted several million dollars to 219 New York schools.⁷⁴ A large number of the schools that receive FFVP are yeshivas.⁷⁵ Yeshivas also receive funding through the USDA's Child and Adult Care Food Program (CACFP), which is designed to assist schools and other institutions to provide food to at-risk children and adults in need.⁷⁶

Many parents and former students have told Yaffed that their schools provided low-quality food and significantly fewer breakfasts than they apparently reported to the program, as they would suddenly improve and expand their food service on the days of inspections. Currently, the former Executive Director and former Assistant Director of the Central United Talmudical Academy are under indictment for fraudulently inflating the number of meals served at various CUTA schools in order to obtain larger reimbursement payments from the federal CACFP program. The school system allegedly received fraudulent reimbursements of approximately \$3 million over three years.⁷⁷

FEDERAL FOOD FUNDING TO YESHIVAS IN FISCAL YEAR 2016 – A FEW EXAMPLES

	SCHOOL BREAKFAST PROGRAM	NATIONAL SCHOOL LUNCH PROGRAM	CHILD AND ADULT CARE (CACFP)	FRESH FRUIT AND VEGETABLE (FFVP)	TOTAL
United Talmudical Academy - Torah V'Yirah	\$3,826,673	\$6,144,869	\$1,015,210	\$349,980	\$11,336,732
Yeshivath Kehilath Yakov	\$1,303,005	\$2,075,201	\$93,780	\$2,064,952	\$5,536,938
Mosdos Chasidei Sqver – TYY	\$238,487	\$443,232	\$207,388	unknown	\$889,107

(data retrieved from FY 2016 financial audit reports)

STATE AND CITY

Despite enrolling only 4% of the state's students, yeshivas receive a disproportionate amount of state and city funding as compared to other types of K-12 schools.

SERVICES AND REIMBURSEMENTS

In the 2016-17 fiscal year, New York State disbursed approximately \$36 million in funding to Jewish schools in New York City for Academic Intervention Services (AIS), Nonpublic School Safety Equipment (NPSE), Mandated Services Aid (MSA), and the Comprehensive Attendance Program (CAP).⁷⁸ Since 2013, the total funding to Jewish schools through these programs has reached almost \$175 million.⁷⁹ Three of the top 5 recipients – two Bobov schools, which received \$5.1 million and \$3.9 million, and a Satmar school that received \$4 million – and many other beneficiaries of these state funds were Hasidic yeshivas.

Mandated Services Aid constituted \$20 million of the funding to Jewish schools in 2016.⁸⁰ Mandated services reimbursed by the state include pupil attendance reporting, immunization programs, the Basic Educational Data Systems (BEDS) report, and the administration of various exams.⁸¹ Connected to MSA is the Comprehensive Attendance Policy reimbursement, given to schools that certify that they have adopted a comprehensive attendance policy pursuant to regulations.⁸² Several yeshivas have received hundreds of thousands of dollars in CAP funding annually.⁸³

At least 64 yeshivas have taken advantage of city reimbursements to non-public schools for security guards, which New York City Councilmen Chaim Deutsch and David Greenfield, of largely Hasidic districts, pushed for in 2015.⁸⁴ Deutsch, Councilman of the 48th District, which used to include a large section of primarily Jewish voters in Midwood,⁸⁵ is the chair and only official member of the Council's Subcommittee on Non-Public Schools.⁸⁶

Schools also receive funding for busing services. Yeshivas, as a category, have 1447 bus routes, or 5.66% of the city total.⁸⁷ In 2013, a special busing reimbursement program was put into place for the benefit of yeshivas and certain other schools that dismiss late.⁸⁸

Private schools also receive funding for textbooks, to the tune of \$20 million in New York City's non-public schools in 2016-17.⁸⁹ However, teachers and others have reported a lack or even absence of textbooks in Hasidic yeshivas, especially for secular subjects. When textbooks are in yeshiva classrooms, they may be censored to remove references to opposite genders and anything considered inappropriate for the ultra-Orthodox way of life. (See p.37 for more information about textbooks.)

CHILD CARE AND PRE-K

New York City's EarlyLearn program also allocates city funds, in addition to the federal Head Start funding disbursed through the program, to child care centers. Yeshiva Kehilath Yakov is one yeshiva designated as an EarlyLearn provider and receiving funding from the program.⁹⁰ In Fiscal Year 2017, Kehilath Yakov received nearly \$1.5 million from EarlyLearn for two child care locations in Brooklyn.⁹¹

NON-EQUIVALENT

FUNDING AND ECONOMIC IMPACT

The city also funds Universal Pre-K (UPK) programs in Hasidic yeshivas. Universal Pre-K funding is typically for full-day (6 hours and 20 minutes) programs that improve math and reading skills,⁹² but Hasidic community leaders pushed for the addition of UPK half-day programs requiring only 2 hours and 30 minutes of secular education per day.⁹³

Yeshivas also receive funding through city-run child care vouchers funded by the city and the state. The state-funded voucher, called the Child Care Block Grant Subsidy Program, helps families pay for the costs of child care for the purpose of workforce participation (e.g. if a parent needs child care services so that he/she can attend a job or an employment training program).⁹⁴ The program prioritizes low-income families and is guaranteed to families on welfare (Temporary Assistance to Needy Families) who need child care for work participation.⁹⁵ Yeshivas receive these vouchers from parents, which then entitles the schools to payments from the state. New York City yeshivas, which have more than 14,000 students registered for the vouchers, are estimated to receive \$120 million a year from this program⁹⁶—nearly a quarter of the allocation to the entire city, and about fifteen percent of the state total.⁹⁷ While most of the schools receiving this subsidy are “licensed programs,” yeshivas are in a “legally exempt” category that is exempt from certain conditions, such as fingerprinting and quarterly inspections.⁹⁸

The city-funded child care program, known as the Priority 5, 6, and 7 vouchers, also primarily benefits Hasidic communities.⁹⁹ These vouchers fund after-school programs and some other forms of child care.¹⁰⁰ Yaffed was told, but could not independently confirm, that some yeshivas receive these funds for supposed after-school programs that reportedly occur in the early evening, at the same time as their secular studies programming.

STATE FUNDING TO YESHIVAS IN FISCAL YEAR 2017 – A FEW EXAMPLES

	MANDATED SERVICES AID (MSA)	COMPREHENSIVE ATTENDANCE POLICY (CAP)	ACADEMIC INTERVENTION SERVICES (AIS)	NONPUB. SCH. SAFETY EQUIP. (NPSE)	TOTAL
Bnos Zion of Bobov	\$995,724	\$318,950	\$26,782	\$60,820	\$1,402,276
Yeshiva Machzikei Hadas	\$419,931	\$86,143	\$23,303	\$35,384	\$564,761
Mosdos Chasidei Sqver – TYY	\$133,695	\$51,479	\$6,167	\$15,303	\$206,864

(New York State funding data for FY 2017, as of 7/10/2017)

David Greenfield, Councilman for the 44th District including Borough Park, Midwood, and Bensonhurst, sits on the New York City budget negotiating team and helped to get the Priority 5 vouchers “baselined” – permanently made an integral part of the budget, rather than an add-on to be argued over each year – in 2015.¹⁰¹ In June 2017, Greenfield and Councilman Stephen Levin, chair of the General Welfare committee, fought for and secured a \$10 million (60%) increase in Priority 5 child care vouchers.¹⁰² Councilmen Greenfield, Levin, and Brad Lander met jointly with yeshiva leaders in 2011, and have advocated against cuts to child care funding for yeshivas.¹⁰³

According to the New York City Independent Budget Office, the city spent an average of \$7,262 per child on child care vouchers in 2016.¹⁰⁴ For contracted child care programs, the city spent an average of \$17,421 per child.¹⁰⁵

OTHER CITY AND STATE MONEY

Yeshivas sometimes receive discretionary funding from the City Council. Councilman David Greenfield boasted in 2016 that, by helping nonprofits in his district to apply for funding, “In the five years I’ve been in office, I’ve been able to secure over \$10 million in funding for hundreds of outstanding community groups.”¹⁰⁶ Of the City Council’s discretionary funding, yeshivas have received at least \$205,000 in the last three years and will receive at least \$25,000 more this year pending Council clearance.¹⁰⁷

Yeshivas have also pushed for a state tax credit for private schools¹⁰⁸ that they expect would bring in millions of dollars.¹⁰⁹

TUITIONS

Politico reported in 2015 that tuitions range from \$6,000 to \$10,000 for lower grades and \$10,000 to \$16,000 for high school at Jewish yeshivas,¹¹⁰ although at Hasidic yeshivas tuition tends to be lower. Of the few schools for which Yaffed has been able to find tuition information, the total tuition income per year ranged from \$1.7 million to \$42.6 million.¹¹¹

Hasidic yeshivas typically do not turn away any Hasidic student whose family is unable to pay the official cost of tuition. Parents with lower means may receive tuition assistance or be asked to pay lower rates than the wealthier families so that their children can still attend. Lower-income families may also use city and state child care vouchers to cover their tuition. Parents from Hasidic communities have expressed that, regardless of their means, a public school is “the most forbidden place” to send their children.¹¹² Hasidic yeshivas are the only acceptable option for their children if they seek to maintain their ties with the community.

NON-EQUIVALENT

FUNDING AND ECONOMIC IMPACT

PRIVATE CONTRIBUTIONS

Yeshivas also receive funding from private charitable contributions. As 501(c)(3) nonprofit organizations, they can receive tax-deductible donations from individuals and foundations. It is difficult to know how much money is donated to yeshivas because they are exempt from the Form 990 reporting requirement. However, a few private foundations have reported grants and contributions to yeshivas on their Form 990-PF documents. One example is Gruss Life Monument Funds, Inc., which provides over \$15 million annually and focuses on yeshivas and Jewish day schools.¹¹³

OTHER

Some government funding of yeshivas is facilitated by the Jewish Education Project (JEP), a nonprofit organization that supports Jewish schools in the New York metropolitan area, Long Island, and Westchester County.¹¹⁴ One aspect of the JEP's work is lobbying in Albany for government benefits.¹¹⁵

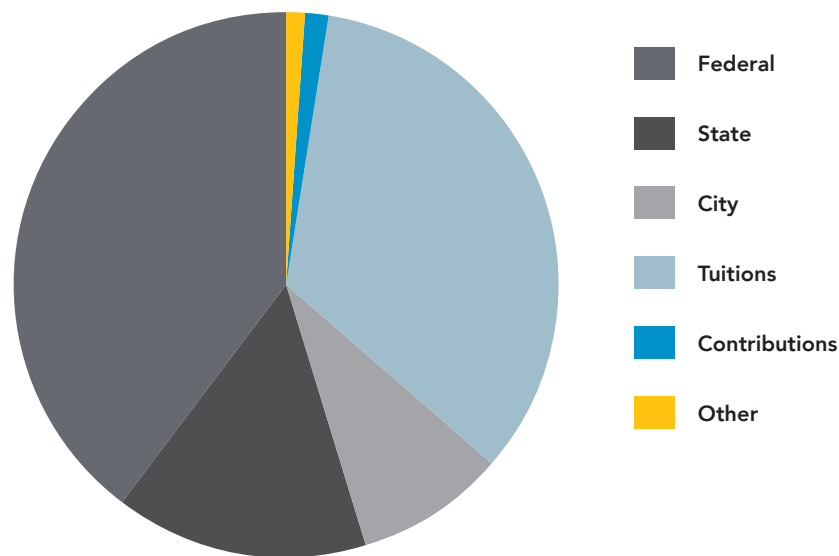
Three religious schools of the Lubavitch/Chabad sect, under the umbrella of Congregation Ohr Menachem, received hundreds of thousands of dollars from a nonprofit called "Chabad Lubavitch Hospitality Center" running an illegal hotel in Crown Heights. DNAinfo recently reported on the story and noted that the schools had also failed to maintain proper records of their reimbursed school lunch programs.¹¹⁶

A home for the elderly in the Bronx, called Bronxwood Assisted Living (formerly Bronxwood Home for the Aged), whose Board includes several major players in Orthodox Jewish activism, reportedly sent one dollar out of every 10 it earned in revenue between 1997 and 2016 to Hasidic yeshivas and other Orthodox groups.¹¹⁷ In 2016 the home was found to have committed numerous violations of state and federal Medicaid law.¹¹⁸

Payroll oddities have been noted among some yeshivas. According to a former employee of a company that processed payrolls for yeshivas including Bobov 48, Beis Rivkah, and United Talmudical Academy, the schools had individuals who did not work at the yeshivas, including some teachers' spouses and the Grand Rabbi of Bobov 48 and his family, on their payrolls.

Let's take a look at one yeshiva with some publicly available financial data...

Estimated Finances of Yeshiva Kehilath Yakov
based on publicly available data from FY 2016



Yeshiva Kehilath Yakov, of the Pupa Hasidic sect, according to its Fiscal Year 2016 audited financial statements, receives more than 50% of its total revenues from grant income. By Yaffed's estimation based on publicly available data, approximately 40% of the school group's budget is federal funding, approximately 15% is from the state, and approximately 9% is city funding. Tuition and fees account for about a third of the school's money.

Yaffed was unable to find information on child care vouchers received by Yeshiva Kehilath Yakov through parents. It is possible that some city and/or state voucher funding may be classified as tuition.

NON-EQUIVALENT

FUNDING AND ECONOMIC IMPACT

Finances - Yeshivath Kehilath Yakov (Pupa) - Fiscal Year 2016^{ix} operates Yeshiva Kehilath Yakov and affiliated entities Kehilath Yakov Rabbinical Seminary, Bnos Yakov Educational Center, Yeshiva Toldos Yakov Inc. and Camp Kehilath Yakov		
Federal Funding		
USDA		
	School Breakfast Program	1,303,005
	National School Lunch Program	2,075,201
	Snacks in After School Care Program	92,328
	USDA Commodities	145,581
	Summer Food Service Program for Children	834,415
	Fresh Fruit and Vegetable Program (FFVP)	93,780
(through the State)	Child and Adult Care Food Program (CACFP)	2,064,952
	Total	6,609,262
US Health and Human Services		
	Headstart	9,409,367
(through the City)	Child Care and Development Block Grant (Early Learn)	775,504
(through the City)	Community Service Block Grant (NDA)	63,703
	Total	10,248,574
Corporation for National and Community Service		
(through the State)	AmeriCorps	246,221
US Dept. of Education		
	Pell Grant Program	631,000
	Supplemental Educational Opportunity Grant Program	23,816
	Federal Work Study Program	3,087
	Total	657,903
Total Federal		\$17,761,960
State Funding		
	Mandated Services Aid (MSA)	393,204
	Comprehensive Attendance Program (CAP)	219,781
Office for Children and Family Services		
	Americorps State Operating (apparently passed through from federal Americorps funding)	240,931
	Child Care Block Grant Subsidy Program	amount unknown
New York State Education Department		
	Total recorded payments (includes Fresh Fruit and Vegetable Program (FFVP) grants and other unknown payments -- may include federal USDA funds passed through the state)	5,585,731
NYS Dept. of Health		
	Total recorded payments (details/programs unknown, but may include federal USDA funds (CACFP) passed through the state)	2,064,376

NON-EQUIVALENT

FUNDING AND ECONOMIC IMPACT

Office of Homeland Security and Emergency Services		
	Total recorded payments(details/programs unknown, but do not appear to overlap with federal funds)	481,260
Total State		\$8,985,283
	Federal funds passed through the state	-2,311,173
	Total state less federal pass-through	\$6,674,110
City Funding		
Administration for Children's Services		
	EarlyLearn NYC (apparently includes federal funds passed through via the Child Care and Development Block Grant)	1,368,855
	DOE Child Care UPK Enhancement	15,973
	Other	70,202
	Total	1,455,030
Department of Youth and Community Development		
	Other Than Personal Services(may include federal funds passed through via the Community Service Block Grant)	1,227,019
NYC Dept. of Education		
	Pupil Transportation	1,762,644
	Books	37,790
	UPK	314,704
	Total	2,115,138
City Council		
	Discretionary Funding Awards	106,000
Total City		\$4,903,187
	Federal funds passed through the city	-839,207
	Total city less federal pass-through	\$4,063,980
Other Funding		
	Tuition and fees	15,121,839
	Contributions	680,575
	Special events (Less direct cost of special events)	166,427
	Rental income	248,062
	Sponsor's Contribution to EarlyLearn division	102,494
	Other income	12,914
Total Other		\$16,332,311
Total Income Estimated Based on Above Figures	(Discrepancy between estimated amount and reported amount may be due to overlap between federal, state, city, and other payments for some categories.)	\$44,832,361
Total Income Reported on Financial Statements		\$41,726,881

ECONOMIC IMPACT

In addition to footing a large part of the bill for yeshiva education, taxpayers are also bearing the burden of its outcomes. With “strikingly low levels of educational attainment,”¹¹⁹ Haredi men face a lack of employment opportunities¹²⁰ and a dearth of opportunities for acquisition of the skills that command higher incomes.¹²¹ According to the Jewish Community Council of Greater Coney Island, Haredi individuals are even limited from benefiting from workforce training programs, as those programs require a high school proficiency in English and math in order to read and understand the material.¹²² Yet, Haredi men also need to support traditionally large families. This combination puts Haredi households at high risk for poverty; it is estimated that 43% of Hasidic households in New York are poor and another 16% are near poor.¹²³ In a largely Hasidic area of Williamsburg, the median household income is \$21,502, compared to the Brooklyn median of \$46,958 and the city median of \$52,737. Meanwhile, the average household size in the area is 3.82, compared to Brooklyn’s 2.74 and New York City’s 2.64.¹²⁴

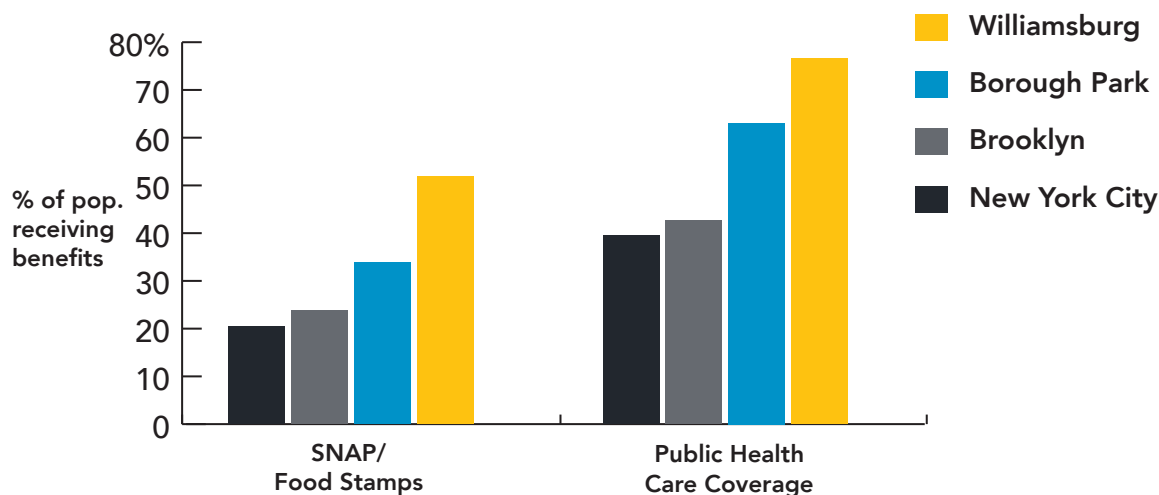
As a result of this poverty and the lack of employment opportunities, Hasidic families receive a vast amount of public assistance. Many families are on the welfare rolls – in Borough Park, 6.7% receive cash public assistance income, along with an estimated 5.8% of Williamsburg residents. In Brooklyn overall, 4.6% receive cash public assistance, and in all of New York City the rate is 4.2%. Additionally, 33.8% of Borough Park residents utilize Supplemental Nutrition Assistance Program (SNAP) food stamps; in Williamsburg, the number is an astounding 51.8%. The Brooklyn total is 23.8%, while 20.4% of all New York City residents receive SNAP food stamps.¹²⁵

In addition to cash and food stamps, low-income families in Hasidic communities are assisted with health care and housing. In Borough Park, 63.1% of the civilian noninstitutionalized population receives public health care coverage, compared to 42.7% of all Brooklyn residents and 39.5% in New York City as a whole.¹²⁶ In Williamsburg, the proportion with public health coverage reaches 76.6%.¹²⁷ Section 8 housing vouchers are found to be “particularly concentrated” in Hasidic areas, reaching as high as 30% of residents in some areas of Brooklyn – a number matched only in some pockets of the Bronx.¹²⁸

The NYC Department of City Planning’s District Profile for Brooklyn Community District 12 (Borough Park, Kensington, and Ocean Parkway) showed a 13.9% increase in the percentage of the population receiving income support (TANF, SSI, and Medicaid) from 45.5% in 2005 to 59.4% in 2014, while in the borough as a whole the increase was less than 3%.¹²⁹ With a rapidly growing Hasidic population and education declining or remaining the same, reliance on income support is likely to continue to increase.

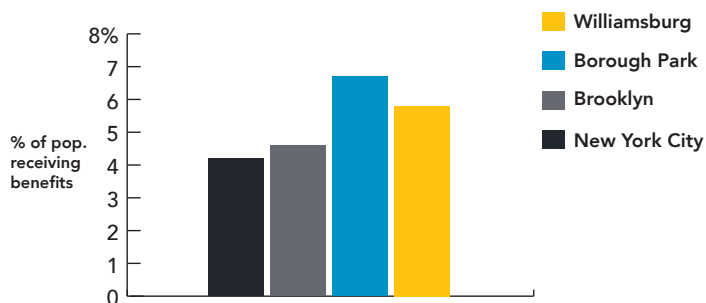
Some Hasidic individuals have expressed frustration with their inability to attain better employment and the need to rely on public assistance. If they could obtain the skills needed for higher-income work, many would choose a route toward greater self-sufficiency for their families. Unfortunately, without sufficient secular education, few Hasidim have this opportunity.

Rates of Public Benefit Utilization in Heavily Hasidic Communities of Brooklyn (compared to overall rates in Brooklyn and NYC)



Data source: 2010-2014 ACS Profile, via NYC Census FactFinder, <http://maps.nyc.gov/census/>.

Rates of Cash Assistance in Heavily Hasidic Communities of Brooklyn (compared to overall rates in Brooklyn and NYC)



Data source: 2010-2014 ACS Profile, via NYC Census FactFinder, <http://maps.nyc.gov/census/>.

SNAPSHOT: PUBLIC ASSISTANCE RATES

	CASH ASSISTANCE	FOOD STAMPS/ SNAP	HEALTH CARE
Canarsie	3.6%	16.8%	32.4%
Flatbush	4.9%	27.5%	43.3%
Borough Park	6.7%	33.8%	63.1%
Williamsburg	5.8%	51.8%	76.6%
Brownsville	10.1%	45.2%	59.1%

Data source: NYC Census FactFinder, 2010-2014

NON-EQUIVALENT

RECOMMENDATIONS

RECOMMENDATIONS

Yaffed believes that all yeshivas in New York City should meet all state laws and guidelines regarding educational standards. The following recommendations are designed solely as a guide toward ensuring that all standards are met by 2020.

RECOMMENDATIONS TO HASIDIC YESHIVAS

Beginning immediately, in the 2017-18 school year:

- Each new school year, elementary-level yeshivas should add a minimum of 30 minutes of secular studies to the existing time for each grade. For example, those that taught 90 minutes of secular studies previously should teach them for 2 hours in the 2017-18 school year, for 2.5 hours in 2018-19, and for 3 hours in the 2019-20 school year.
- Each new school year, high-school level yeshivas should add a minimum of 45 minutes of secular studies to the existing time for each grade. For example, those that taught no secular studies previously should teach them for 45 minutes in the 2017-18 school year, for 1.5 hours in 2018-19, and for 2 hours and 15 minutes in the 2019-20 school year.
- Teach at a minimum the following subjects in all grades: English reading, writing, mathematics, and social studies.
- Begin secular instruction no later than 2:30 p.m. If no secular studies are provided on Fridays due to early release, consider adding Sunday classes in secular subjects.

By September 2020:

- Teach secular studies in all elementary schools for a minimum of 3 hours.
- Teach secular studies in all boys' high schools for a minimum of 2.5 hours.
- Teach at a minimum the following subjects in elementary schools: English reading, writing, arithmetic, science, and social studies.
- Teach at a minimum the following subjects in high schools: English reading, writing, mathematics, science, social studies, and computer skills.
- Administer the New York State Regents Examinations and provide diplomas and transcripts to all graduates.

RECOMMENDATIONS TO THE NEW YORK CITY DEPARTMENT OF EDUCATION

Beginning immediately:

- Encourage and assist yeshivas to meet all Guidelines for Equivalency of Instruction in Nonpublic Schools.
- Conduct unannounced visits of, at a minimum, all 39 yeshivas named in Yaffed's July 2015 letter (see Appendix 2) to monitor their compliance with state standards.
- Request curricula and lesson plans from all yeshivas.
- Invite anonymous feedback from parents and community members about educational standards in Hasidic yeshivas.
- Create a task force within the next 6 months (by March 2018), consisting of DOE officials, Yaffed representatives, and other stakeholders (e.g. PEARLS and the Jewish Education Project), to oversee enforcement of the laws and guidelines for non-public schools in all yeshivas.

By August 2018:

- Develop a timeline and clear benchmarks for improvement of secular education in yeshivas. Share with the public all plans and results of this process at intervals of no more than 6 months.
- Require that yeshivas share their curricula, schedules, and outcome measures with all parties to the task force.
- Increase transparency regarding funding provided to Yeshivas, investigation methods for complaints, and enforcement mechanisms for school compliance.

By August 2019:

- Discontinue funding to yeshivas that do not meet benchmark progress.

By September 2020:

- Monitor continued adherence to the laws and guidelines on a regular and ongoing basis. Monitoring should include unannounced inspections on an annual basis and anytime test scores or other relevant measures indicate a possible failure to meet standards.
- If any yeshivas still are not teaching general subjects as required by the laws and guidelines, declare children attending those schools truant.

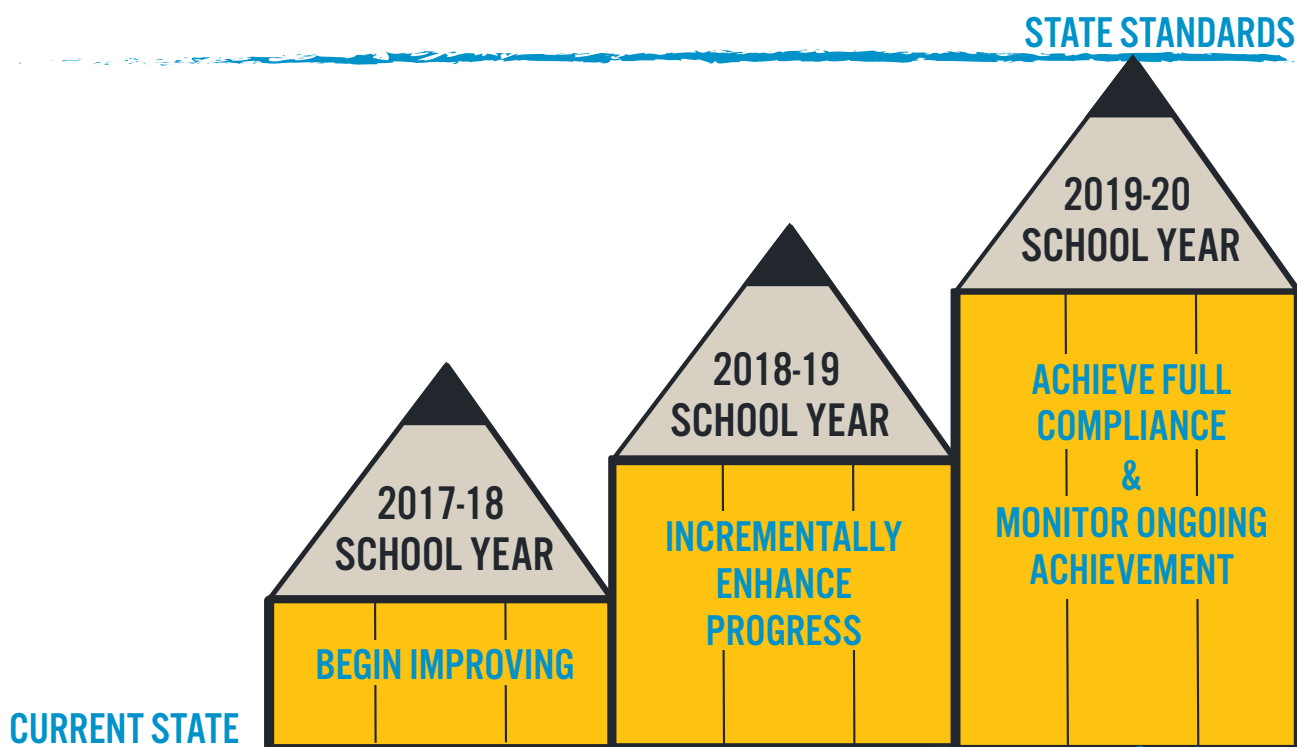
NON-EQUIVALENT

RECOMMENDATIONS**RECOMMENDATIONS TO THE NEW YORK STATE
EDUCATION DEPARTMENT****Beginning immediately:**

- Encourage and assist yeshivas to meet all Guidelines for Equivalency of Instruction in Nonpublic Schools.
- Encourage and assist yeshivas to administer Regents Examinations to all high school students as appropriate.
- Investigate the timeliness and thoroughness of New York City Department of Education's responses to complaints.
- Develop clear, standardized, efficient processes for response to complaints and means of ensuring compliance.

By August 2019:

- Monitor continued adherence to the laws and guidelines on a regular and ongoing basis. Monitoring should include unannounced inspections on an annual basis and any time test scores or other relevant measures indicate a possible failure to meet standards.
- Discontinue funding to yeshivas that do not meet benchmark progress.



AFTERWORD: PUTTING EDUCATIONAL NEGLECT IN CONTEXT AND LOOKING TO THE FUTURE

MARCI A. HAMILTON, JD

FOX PROFESSOR OF PRACTICE, UNIVERSITY OF PENNSYLVANIA
CEO AND ACADEMIC DIRECTOR, CHILD USA

With this survey Yaffed has performed a public service disclosing educational neglect among the haredim. While the subjects of child neglect and abuse have received increasing attention in the press and the legislatures, this is one of the few attempts to analyze educational neglect in the United States. As the analysis makes clear, all of us pay a heavy price when children are denied a basic education through the age of 16.

“Educational neglect” is not widely understood. Adequate education is part of the emerging set of rights children should have in order to become productive adults and members of society. Those rights include access to food, shelter, adequate education, medical care, and to be protected from emotional, physical, and sexual abuse. This survey sought information on the extent of educational neglect in the haredi community, which is widely known to undereducate its boys in particular. Educational neglect occurs, as does medical neglect, when a parent or guardian blocks or hinders the child’s access. It is different from the question of the quality of education as between school districts. Often, inner-city public school education, which can pale in comparison to other districts, is still dramatically better in quality and in terms of the social safety net than the educational situations such as the one examined here. This reality was confirmed by Yaffed’s survey, which indicates a serious lack of even the most basic education in the core areas needed for someone to be a productive member of society. The survey also sketches the cost to society of such a failure of education: a community incapable of supporting itself and in need of extraordinary government welfare support.

This particular survey focuses on one insular, religious group, but the problem of educational neglect is not limited to this one organization or religion. Each state sets educational benchmarks but to date few have succeeded in enforcing the educational equivalency that is needed in order to ensure that children beyond the public school system are adequately educated. To be sure, there are many private schools—religious and otherwise—that provide excellent education and that comply with all state regulations regarding benchmarks, testing, and curriculum requirements. Socially-isolated communities, which keep children away from many aspects of the social safety net, require the government to be

more proactive to protect children.

Educational neglect is a serious problem in other isolated communities as well. For example, the Fundamentalist Church of Christ of Latter-day Saints (FLDS), which practices polygamy, also has engaged in educational neglect. In 2000, the FLDS community living on the Arizona/Utah border withdrew all of its children from the public school system, leading to closure of the school. Formal private church-based schools were organized, but once the prophet Warren Jeffs was arrested, these schools were eliminated and all children were home-schooled. Neither Arizona nor Utah strongly enforce educational equivalency for home-schooled children. A rival of Warren Jeffs later ordained that the children under his direction be sent to public school. Of the 70 children who re-entered the public school system, only half were on grade level.¹³⁰

The Amish succeeded in persuading the United States Supreme Court in *Wisconsin v. Yoder* to avoid the Wisconsin compulsory education law that required students to be educated to age 16. In that case, the Court held that they could be removed after 8th grade. The Court opened the door for isolated religious groups to undereducate their children as it focused on the Amish belief “that salvation requires life in a church community separate and apart from the world and worldly influence.” The Amish reject higher education, because of its “influences that alienate man from God.” The Court was unwilling to enforce Wisconsin law mandating compulsory education, because it recognized a right to avoid the “destruction of the old Order Amish church community as it exists in the United States today.” The Court went on to emphasize that the Amish had “an excellent record as law-abiding and generally self-sufficient members of society. . . . [T]he Green County Amish had never been known to commit crimes, that none had been known to receive public assistance, and that none were unemployed.” The Court went on to discount the government’s and society’s interest in an adequately educated citizenry, assumed that no child would ever want to leave the faith, ignored the potential for this decision to deprive children in other faiths, and failed to take into account the needs of children to be educated at least through high school. Following the decision, studies indicate that eighth-grade dropout rates increased and those educated prior to the decision enjoyed higher earnings.¹³¹

Under the reasoning of *Yoder*, however, it seems unlikely that the haredim, as described in this report, would prevail in such a case. At least the Amish educated their children through 8th grade and had no record of dependency on government welfare or welfare fraud, as has recently been alleged against some ultra-Orthodox communities. Yet, even the Amish have had a dismal record for children who choose to leave the faith. Their children still lack a high school diploma by a significant number of years and often struggle to thrive in the world beyond the Amish culture.

One does not need an organization, however, to engage in educational neglect. Individual parents also have deprived their children of an adequate education either through home-schooling or by flying under the radar of the authorities.

Home schooling offers opportunities for child abuse and neglect that are not present in the public school context where there is a safety net of watchful teachers charged with legal requirements to report suspected abuse and neglect to the authorities. While many children have received an adequate and even an excellent education via home-schooling, the lack of regulation and enforcement in most states has left many children at risk of educational neglect. The problems are legion, from failure to follow curriculum requirements, inadequately trained parents who are doing the teaching, and failure to follow testing requirements. The home schooling scenario is especially difficult for the state to monitor, because it is diffuse and because the home-schooling environment changes from home to home.¹³²

Educational neglect also happens when parents fail to provide adequate education. For example, ex-Amish parents in Pennsylvania “gifted” their oldest daughter at the age of 14 to a 52-year-old man, Lee Kaplan, who presented himself as a “prophet.” They later sent their 5 younger daughters to live with him as well. He fathered two children with the oldest daughter and when the group was discovered in a home in Feasterville, Pennsylvania, the girls had been kept inside for years and had not attended school. Kaplan and the parents will be in prison for significant amounts of time, as the children have had to adjust to a world in which they were well behind their peers in terms of education and capacity for self-protection.

The Yaffed survey outlines important, concrete guidance and benchmarks to follow in New York to move haredi children toward a more adequate education. Children’s well-being will be measured by how much elected officials will take New York’s laws seriously and enforce them. In my view, it is also time to recognize a child’s federal or state constitutional right to be adequately educated and for states to enact educational neglect laws that penalize parents who fail to adequately educate their children to the state’s minimum standards. But that is a project well beyond the scope of this particular study. At this time, the aspiration of this study is to educate the public and public officials as well as the Haredi community and to persuade everyone that these children deserve at least the minimal education mandated by New York for all children.

*Thanks to the Robert A. Fox Leadership Program at the University of Pennsylvania and Fox Leadership Fellow, Claire Daly, who provided valuable research for this essay.

NON-EQUIVALENT

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APPENDICES



GLOSSARY OF TERMS

Bais Yaakov: A name often given to Orthodox Jewish elementary and secondary schools for girls. The Bais Yaakov movement emerged in the early 20th century and formalized a system of Jewish education for girls.

DOE: The New York City Department of Education (DOE) is the department of the government of New York City that manages the city's school system.

Haredi: The Hebrew term for "ultra-Orthodox." Includes Litvish/Yeshivish and Hasidic Jews.

Haredim: A collective (plural) term for Haredi Jewish people.

Hasidic: The most religiously strict subgroup of ultra-Orthodox Judaism. The movement emerged in 18th century Ukraine, and was defined by an extraordinary devotion to spiritual (rather than procedural) components of Judaism. Sometimes spelled: Chasidic, Hassidic, or Chassidic.

Hasidim: A collective (plural) term for Hasidic Jewish people.

Limudei chol: The Hebrew term for non-religious (or general) studies, and the way the Orthodox world refers to these subjects in their schools.

Limudei kodesh: The Hebrew term for the study of Jewish religious subjects. Literally, "holy studies."

Litvish: A non-Hasidic, Haredi group, or an individual who is a member of this group. Also known as "Yeshivish." The term "Litvish" is used for all ultra-Orthodox Jews who follow a "Lithuanian" (Ashkenazi and non-Hasidic) style of Jewish observance, regardless of their ethnic background.

Non-public school: A private or parochial school, in contrast to a public school or charter school. May be either independent, secular, or religious in nature. Sometimes spelled: nonpublic school.

NYSED: The New York State Education Department (NYSED) is the department of the New York state government responsible for the supervision for all schools in New York.

Orthodox: The most religiously strict denomination of Judaism, defined by an understanding of Torah (Hebrew bible) as true and unchanging, and its commandments as contractual.

Rabbi: A Jewish religious leader, or a person who has received rabbinical ordination.

Secular education: The teaching and study of subjects that are not religious in nature. Typically includes subjects such as language, mathematics, science, and social studies.

"Substantially equivalent": According to NY Education Law §3204.2, "Instruction given to a minor elsewhere than in a public school must be substantially equivalent to the instruction given at the local public school." "Substantial Equivalency" is further defined in the New York State Education Department's Guidelines for Determining Equivalency of Instruction in Nonpublic Schools as including math, science, English, social studies, and others.

Torah: The Hebrew Bible, or the body of knowledge, wisdom, and law contained in Jewish texts and oral tradition.

Talmud: The authoritative body of Jewish law comprising the Mishnah and Gemara.

Ultra-Orthodox: The most religiously strict subgroup of Orthodox Judaism, who maintain the continuity of their religious culture by avoiding contact with individuals and institutions who do not share their way of life. "Haredi," in Hebrew.

Yeshiva: An Orthodox Jewish school for boys. The term may also be used for rabbinical colleges (postsecondary), but for the purposes of this report describes elementary and secondary Orthodox parochial schools.

Yeshivish: See "Litvish."

LIST OF YESHIVAS NAMED IN YAFFED'S 2015 LETTER

Yeshiva	District	Address
Satmar (United Talmudic Academy)	13	25 Waverly Ave., Brooklyn, NY (alternate entrance on Washington Ave.)
Bais Rochel D'Satmar (Elementary)	14	241 Keap St., Brooklyn, NY 11211
Bais Rochel D'Satmar (High school)	14	68-84 Harrison Ave., Brooklyn, NY 11211
Krasna (Talmud Torah Toldos Hillel)	14	35 Hewes St., Brooklyn, NY 11249 (also listed at 35 Williamsburg St. W., Brooklyn, NY 11249)
Pupa (Yeshiva Kehilath Yakov)	14	206 Wilson St., Brooklyn, NY 11211
Satmar - Torah V'Yirah (United Talmudic Academy)	14	236 Marcy Ave Brooklyn, NY 11211
Satmar (United Talmudic Academy)	14	82 Lee Ave., Brooklyn, NY 11211
Shopron (Bnei Shimon Yisroel-Sopron)	14	18 Warsoff Pl., Brooklyn NY 11205
Shopron (Bnei Shimon Yisroel)	14	215 Hewes St., Brooklyn, NY 11211
Skver (Mosdos Chasidei Skver / Toldos Yakov Yosef)	14	105 Heyward St., Brooklyn, NY 11206
Talmud Torah Of Kasho (Toras Refoel)	14	324 Penn St., Brooklyn, NY 11211
Torah V'Yirah (Satmar-United Talmudic Academy)	14	110 Throop Ave., Brooklyn, NY 11206
Viznitz (Yashiva Ahavas Yisroel)	14	2 Lee Ave., Brooklyn, NY 11211
Belz (Yeshiva Ketaneh)	15	695 6 th Ave., Brooklyn, NY 11215
Bobov (Yeshiva Chemdas Yisroel Kerem Shlomo)	15	1149 38th St., Brooklyn, NY 11218
Yeshivas Boyan (Tiferes Mordechai Shlomo)	15	1205 44th St., Brooklyn, NY 11219
Congregation Ohr Menachem	17	1729 President St., Brooklyn, NY 11213
Lubavitch (Oholei Torah)	17	667 Eastern Pkwy, Brooklyn, NY 11213
Yeshiva Tomehai Temimim Chabad / Lubavitch (Chovevei Torah- United Lubavitch Yeshiva)	17	885 Eastern Pkwy., Brooklyn, NY 11213
Belz (Bnos Malka)	20	600 McDonald Ave., Brooklyn, NY 11218
Belz (Yeshiva Machzikei Hadas)	20	1601 42nd St., Brooklyn, NY 11204
Beth Hamedrash Shaarei Yosher	20	4102 16th Ave., Brooklyn, NY 11204
Bobov (Bnei Tzion)	20	4206 15th Ave., Brooklyn, NY 11219
Bovero Yeshiva Bnei Zion	20	1533 48th St., Brooklyn, NY 11219
Chust (Yeshiva Toras Chesed)	20	5506 16th Ave., Brooklyn, NY 11204
Gerrer (Yeshiva Mesifita Bais Yisroel)	20	5407 16th Ave., Brooklyn, NY 11204
Krasna (Yeshiva Bais Hillel)	20	1623 44th St., Brooklyn, NY 11204
Mesivta Eitz Chaim	20	1577 48th St., Brooklyn, NY 11219
Munkatch (Talmud Torah Tiferes Bunim)	20	5202 13th Ave., Brooklyn, NY 11219

NON-EQUIVALENT

APPENDIX 2

Yeshiva	District	Address
Munkatch (Yeshiva Minchas Elazar)	20	4706 14th Ave., Brooklyn, NY 11219
Pupa (Kehilas Yakov)	20	4706 10th Ave., Brooklyn, NY 11219
Satmar - Torah V'Yirah (United Talmudic Academy)	20	5411 Fort Hamilton Pkwy, Brooklyn, NY 11219
Skver (Mosdos Chasidei Skver / Toldos Yakov Yosef)	20	1373 43rd St., Brooklyn, NY 11219
Vein (Yesode Hatorah-Adas Yereim)	20	1350 50th St. Brooklyn, NY 11219
Yeshiva Chasan Sofer (Shem M'shmuel)	20	1876 50th St., Brooklyn, NY 11204
Moushulo	21	7914 Bay Pkwy., Brooklyn, NY 11214 (Renting space from Yeshiva Ohel Moshe)
United Lubavitcher Yeshivoh	21	841 Ocean Pkwy, Brooklyn NY 11230 (central headquarters Chabad Lubavitch: 770 Eastern Pkwy, Brooklyn, NY 11213)
Yeshiva Karlin Stolin	21	1818 54th St. Brooklyn NY 11204
Satmar (United Talmudic Seminary)	24	74-10 88th St., Queens, NY 11385

Note: This list is not intended to be comprehensive, nor is it included with the intent to shame these yeshivas. Rather, in response to the City's request that Yaffed name specific schools in order to begin an investigation, Yaffed named these 39 yeshivas based on input from community members. Yaffed is now including the list in this report in the interest of transparency.

METHODS

This report was developed by Yaffed staff and consultants in conjunction with experts and current and former Hasidic community members.

An online survey was conducted in 2015, in preparation for Yaffed's complaint letter naming 39 yeshivas. The survey included questions about the names and locations of schools attended, subjects taught, and the age at which secular education ended. The survey was distributed through social media and personal networks and received 170 responses. This data was used for the purpose of comparison to data from the current year.

In July 2017, Yaffed conducted another online survey. This survey included questions regarding the names and locations of schools attended, which subjects were taught, students' and teachers' attitudes toward secular studies, tuition costs, and open-ended questions seeking recollections of experiences regarding teachers, textbooks, inspections, and anything else respondents wished to share about their schools. The survey was distributed through social media, groups of yeshiva graduates, and personal networks, and received 116 responses from former students and parents of current students. Of the respondents, 49 had attended Hasidic elementary-level yeshivas in New York City, and 44 respondents had attended high-school level yeshivas in New York City. This data was used to draw conclusions about the current state of Hasidic education.

Survey data was analyzed in several ways. First, researchers selected for responses relating to New York City yeshivas only. The authors used count functions to determine the number of respondents who attended NYC yeshivas at each level and to determine the number and percentage of students who received education in each subject. The authors also used averages to determine the age at which respondents began receiving and stopped receiving secular instruction. The authors also drew from responses to open-ended questions when analyzing qualitative components such as teacher quality and textbooks.

In addition to surveys, the authors conducted internet searches and utilized existing media, scholarly publications, and government documents. The authors also conducted personal interviews and spoke with current and former yeshiva students, parents of yeshiva students, yeshiva teachers, yeshiva administrators, experts in relevant fields, and members of Hasidic communities.

Yaffed's many freedom of information requests to the New York City Department of Education (DOE), the Mayor's Office, all but one request to the New York State Education Department (NYSED), and all but one request to the Administration for Children's Services (ACS), went unanswered or were

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repeatedly delayed. Requests to expedite delayed responses were ignored.

Therefore, funding data was gathered from various sources, including media reports, government websites and documents, publicly available financial documents, and personal conversations. Whenever possible, the authors used data specific to Hasidic yeshivas in New York City; otherwise, data on related categories such as non-public schools or Jewish schools was used, and specified as such in the text. For the full list of sources cited, see Endnotes.

Recommendations were developed by Yaffed staff and consultants based on relevant laws and guidelines as well as input from experts and community members.

YESHIVA STUDENT REPORT CARDS

These report cards, given to students at Hasidic yeshivas in New York City, show no grades for composition, grammar, science, or social studies. According to the individuals who provided the report card images to Yaffed, the grades are absent because the schools did not teach these subjects.

These report cards were provided to Yaffed on condition of anonymity, due to fear of backlash from the community.

Subjects	1st Period	2nd Period	3rd Period
Reading	A		
Composition			
Grammar			
Spelling	A+		
Vocabulary			
Mathematics	A		
Science			
Social Studies			
Handwriting	A+		

Meaning of Ratings

S-Satisfactory	A-Excellent (90-100)
U-Unsatisfactory	B-Good (80-90)
N-Needs Improvement	C-Fair (65-80)
I-Improvement Shown	D-Failing (below 65)

When percent ratings are used 65% is the passing mark, except in spelling where 80% is required.

In the development of these traits, the home shares responsibility with the school.

Training In Personality	1st Period	2nd Period	3rd Period
Works well with group	S	S+	
Effort	S.	S	
Participation in class work	S	S+	
Completes work	S+	S+	
Neatness in work	S	S	
Responsibility and care of books/supplies	S	S	
Speaks Clearly	S	S+	
Conduct	S	S	
Homework	S		

Comments on Achievements or Needed Improvement

1st Period
 [redacted] is an excellent student, and adds much to our class environment

2nd Period

3rd Period

A report card from Mosdos Chasidei Square, in Brooklyn, NY, given to a second grade student in the 2015-16 school year.

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Report cards from
Yeshiva Machzikei
Hadas in Brooklyn.

NAME [REDACTED]

SUBJECTS	1st Period	2nd Period	3rd Period
Reading	B+	A-	A-
Comprehension			
Composition			
Grammar			
Spelling	85	89	85
Mathematics	95	95	95
Science			
Social Studies			
Handwriting	A-	A-	A-

MEANING OF RATINGS

S—Satisfactory	A Excellent (90-100)
U—Unsatisfactory	B Good (81-89)
N—Needed Improvement	B- Average (75-80)
I—Improvement Shown	C Fair (70-74)
	C- Just Passing (65-69)
	D Failing (Below 65)

In the development of these traits, the home shares responsibility with the school

	1st Period	2nd Period	3rd Period
Training in Personality			
Works well with group	S	S	S
Participation in class work	S	S	S
Completes work	S	S	S
Neatness in work	S	S	S
Care of books/supplies	S	S	S
Speaks clearly	S	S	S
Conduct	A	A	A
Homework			

COMMENTS ON ACHIEVEMENTS OR NEEDED IMPROVEMENT

1st Period [REDACTED] is doing pretty good just a bit of practice in reading.

2nd Period [REDACTED] has shown improvement in reading and spelling & hope he keeps it up.

3rd Period Have a healthy summer.

School year
and grade level
unknown.

NAME [REDACTED]

SUBJECTS	1st Period	2nd Period	3rd Period
READING	B	A	A+
COMPREHENSION			
Composition			
Grammar			
Spelling			
Mathematics	B+	A	A-
Science			
Social Studies			
Handwriting	A	A	A

MEANING OF RATINGS

S—Satisfactory	A Excellent (90-100)
U—Unsatisfactory	B Good (81-89)
N—Needed Improvement	B- Average (75-80)
I—Improvement Shown	C Fair (70-74)
	C- Just Passing (65-69)
	D Failing (Below 65)

In the development of these traits, the home shares responsibility with the school

	1st Period	2nd Period	3rd Period
Training in Personality			
Works well with group	S	S	S
Participation in class work	S	S	S
Completes work	S	S	S
Neatness in work	S	S	S
Care of books/supplies	S	S	S
Speaks clearly	S	S	S
Conduct	S+	S	S+
Homework			

COMMENTS ON ACHIEVEMENTS OR NEEDED IMPROVEMENT

1st Period I'm proud of [REDACTED] his behavior is outstanding.

2nd Period

3rd Period I am proud to have [REDACTED] in my class. Have a nice summer.

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Demographic Projections for Hasidic School Enrollment

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⁴⁸ This 96% is potentially a slight underestimate, since the UJA report says that <1% of the Hasidic population lives in the Bronx and Staten Island, 1% live in Queens and Staten Island, and 94% Brooklyn (see page 217). In our estimates we assume that 96% live in New York City, and that 94% live in Brooklyn, and when computing Brooklyn population from New York City more generally, we multiply by 94/96.

⁴⁹ We use Comenetz 2006 to make this estimate. On page 59, Comenetz estimates the population of both the Chabad and non-Chabad communities using school-age estimates (ages 5-17) as an estimate of the whole population. In this estimate, the Chabad ratio is around 31.6%, and for the non-Chabad Hasidic community, it is around 35.4%. I use the overall ratio of both communities combined (~34.7%) and derive this by dividing the estimated school-age enrollment in 2000 by the estimated total population in 2000. Since the non-Chabad community is larger and grows faster, this ratio for the overall community would only grow. Therefore, this is a conservative estimate since we can assume that the non-Chabad community will grow faster and make this ratio grow over time.

⁵⁰ Comenetz 2006 (see p.59) has a different estimated growth rate when looking at Chabad-Hasidic communities together, and Hasidic communities alone. Therefore, while for Avi-Chai data we use an estimated growth rate of 4.3% because this estimate only includes non-Chabad Hasidic communities, we use a 4.2% growth rate for the UJA data which does include Chabad data. To obtain this estimate, we multiply our Brooklyn and New York City estimates by $(1.042)^{19}$.

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Afterword

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Boxes, graphics, etc.

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5.8 children per Hasidic woman aged 35-44: *Ibid.*, p.214.

43% of Hasidic households in New York are poor; 16% are near-poor: *Ibid.*, p.220.

1 in 8 non-public schools in NYC is a Hasidic yeshiva; 1 in 5 non-public school students in NYC is in a Hasidic yeshiva:

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